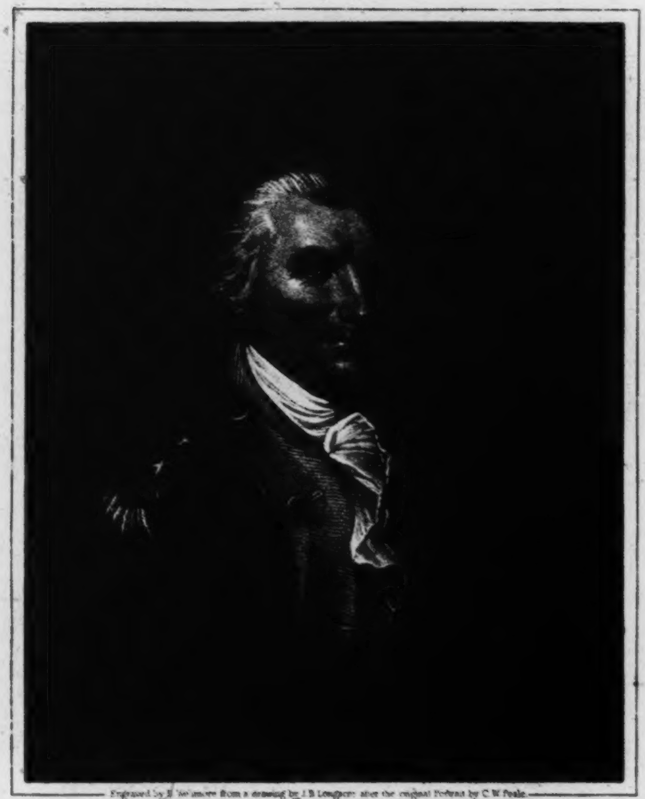
XEROX

Xerox University Microfilms
Ann Arbor, Michigan 48106

WESTERN AMERICANA

Reproduced from the original in the collection of
THE UNIVERSITY OF ILLINOIS LIBRARIES



Engraved by E. Wellmore from a drawing by J. B. Longacre after the original Portrait by C. W. Peale.

MAJOR GENERAL ARTHUR ST CLAIR.

Ar. St. Clair

THE ST. CLAIR PAPERS.

THE

LIFE AND PUBLIC SERVICES

OF

23507 / 398

ARTHUR ST. CLAIR

SOLDIER OF THE REVOLUTIONARY WAR; PRESIDENT OF
THE CONTINENTAL CONGRESS; AND GOVERNOR
OF THE NORTH-WESTERN TERRITORY

WITH HIS

CORRESPONDENCE AND OTHER PAPERS

ARRANGED AND ANNOTATED

BY

WILLIAM HENRY SMITH

Vol. II

CINCINNATI
ROBERT CLARKE & CO
1882

Copyrighted, 1881,
By ROBERT CLARKE & CO.

973.4
Sa2Ys
v.2

CONTENTS. History

CORRESPONDENCE, ADDRESSES, ETC.

The North-western Territory—Establishment of Civil Government under the Ordinance of 1787 1

APPENDIX.

I.—The Ordinance of 1787 and its History 603

II.—Ordinances for the Sale of Lands in the North-western Territory 618

III.—Treaties of Fort Harmar 622

IV.—Relations between Washington and St. Clair 631

V.—Examination of John Smith 632

VI.—Testimony of Captain Slough of the First Battalion of Levies, commanded by Major Thomas Butler 633

Extract from the Testimony of Colonel Semple 636

Extract from the Testimony of Captain Denny 636

Injustice of Government 637

85914

BAG JUL 31

THE ST. CLAIR PAPERS.

CORRESPONDENCE, ADDRESSES, ETC.

THE NORTH-WESTERN TERRITORY—ESTABLISHMENT OF CIVIL GOVERNMENT UNDER THE ORDINANCE OF 1787.

[INTRODUCTORY NOTE.—Early in the Revolutionary war, it became evident, from the frequent raids made by the Indians on the frontiers of New York, Pennsylvania, and Virginia, that the British had engaged the Western Indians in their interest. So great was the distress on the Ohio River and its tributaries, General Washington dispatched Colonel Daniel Broadhead, of the Eighth Pennsylvania regiment, to command the Western District, with headquarters at Pittsburgh. The raids of the Indians destroyed the mill and houses of St. Clair in Ligonier valley, and drove the inhabitants into the fortified posts for safety; but despite this, the number of people increased, and in 1779 some of the most hardy ventured to cross the Ohio and make improvements on the Indian lands, "from the river Muskingum to Fort McIntosh, and thirty miles up some of the branches of the Ohio River." As it was the policy of government to keep on as friendly terms as possible with the Indians, Colonel Broadhead dispatched Captain Clarke, with a detachment of soldiers, to drive off the trespassers, which was accomplished, and sent a runner to the Delaware council, at Coshocking, to assure the Indians that the trespass was unwarranted, and that justice would be done. This was the status when the Commissioners for Indian Affairs[1] arrived on the banks of the Ohio River, December 2, 1784, to conclude a treaty with the Indians. They had expected to hold the treaty at Cuyahoga, but on account of the advanced season and the difficulty of obtaining supplies, they requested Lieutenant-Colonel Josiah Harmar, of the First American regiment, to send messengers to the Indians to invite them to meet the commissioners at Fort McIntosh. This was complied with, and on the 5th of December the Pennsylvania troops broke camp on the west bank of the Alleghany, and marched for Fort McIntosh.[1] A treaty—known in history as the treaty of Fort McIntosh—was concluded with the Wyandot, Delaware, Chippewa, and Ottawa nations, on the 21st of January, 1785. By this, prisoners were to be surrendered, and a boundary line was established, beginning at the mouth of the Cuyahoga River and extending with the course of the river to the portage between that and the Tuscarawas; thence down that stream to the crossing place above Fort Lawrence, and thence westwardly to the portage of the Great Miami, and thence along the portage to the Miami of Lake Erie. Lands around the posts of Detroit and Michilimackinac, and a strip six miles wide, extending from the west and of Lake Erie parallel with the strait to Lake St. Clair, were reserved for the exclusive benefit of the United States. It was also provided that white people settling on lands outside of the boundary belonging to the Indians should forfeit the protection of the United States, and be subject to chastisement by the Indians. The posts still remained in possession of the British.

---

[1] The commissioners were George Rogers Clarke, Richard Butler, and Arthur Lee.

It was the purpose of Congress to sell the lands thus acquired, to create a fund to pay the war debt, and an ordinance was subsequently passed (May 20, 1785), providing for the survey of the lands and the appointment of a geographer and surveyors on the part of the several States, to which were to be allotted the seven ranges of townships after they were duly surveyed and platted. The lands were to be sold by townships by the commissioners of the loan office of the several States, after due advertisement.[2] This proved to be a dead letter, but meanwhile Colonel Harmar was instructed to prevent the obtrusion of settlers upon the lands of the

---

[1] MS. letter of Colonel Harmar to Richard Henry Lee, President of Congress, dated from "Camp near Fort Pitt, on the Indian shore, the western side of Alleghany River, December 5, 1784."—See *Harmar Papers*, in possession of family at Philadelphia.

[2] Three townships on Lake Erie were reserved for the use of refugees from Canada and Nova Scotia; lands at the Moravian villages of Gnadenhütten, Schoenbrun, and Salem were reserved for the Christian Indians, and a section between the rivers Scioto and Little Miami for Virginia Continental soldiers, agreeably to the deed of cession of Virginia.

United States.[1] The correspondence that follows will show the remarkable rapidity with which the pioneer American moved in the direction of the sun, the infinite trouble the Government was put to to protect the right of proprietorship, the loss of life and property after the jealousy and suspicions of the Indians were aroused, and the hardship, heroism and ability requisite for the successful establishment of civil government in a new country, where all had to be newly created.]

COLONEL HARMAR TO THE PRESIDENT OF CONGRESS.

FORT MCINTOSH, *May* 1, 1785.

Sir:—

. . . .

In obedience to the instructions received from the honorable the Commissioners for Indian Affairs, upon their departure from this post, I have to inform your Excellency that I detached Ensign Armstrong, with a party of twenty men, furnished with fifteen days' provisions, on the 31st March last, to dispossess sundry persons, who had presumed to settle on the lands of the United States on the western side of the Ohio River.

The inclosed copy of the instructions, together with the orders, were posted up at Wheeling, and distributed throughout the different parts of the country, in order that all persons might be made fully acquainted therewith.

Ensign Armstrong, having marched with his party as far down as opposite Wheeling, which is about seventy miles from hence, pursuing the course of the river, and having executed his orders (excepting a few indulgences granted on account of the weather), returned on the 12th ultimo.

I have the honor of inclosing to your Excellency his report, with sundry petitions, handed him by the settlers; likewise the opinion of some reputable inhabitants on the eastern side of the river, with respect to them.[2]

---

[1] The Commissioners for Indian Affairs instructed Colonel Harmar, before leaving Fort McIntosh, January 24th, as follows:

"Surveying or settling the lands not within the limits of any particular State being forbid by the United States, in Congress assembled, the commander will employ such force as he may judge necessary in driving off persons attempting to settle on the lands of the United States."

[2] The report of Ensign Armstrong was to the effect that he marched down the Ohio, March 31st; crossed the Little Beaver on the 1st April; dispos-

On the 20th ultimo, I received the inclosed representation, signed

sessed one family at that place; other families at Yellow Creek, at Mingo Bottom or Old Town, at Norris's Town, at Haglin's or Mercer's Town, and at a place opposite Wheeling;[1] that he arrested a man named Ross, who seemed to be obstreperous, and sent him to Wheeling in irons; that he was threatened by a man named Charles Norris, with a party of armed men, but upon showing his authority there was no further offensive demonstration; and that at Mercer's Town he had learned that Charles Norris and John Carpenter had been elected justices of the peace and had acted as such.

The "opinion of the respectable inhabitants" was contained in the following letter of Ensign Armstrong:

Sir:—As the following information through you to the honorable the Congress may be of some service, I trust you will not be displeased therewith. It is the opinion of many sensible men (with whom I conversed on my return from Wheeling) that if the honorable the Congress do not fall on some speedy method to prevent people from settling on the lands of the United States west of the Ohio, that country will soon be inhabited by a banditti whose actions are a disgrace to human nature.

You will, in a few days, receive an address from the magistracy of Ohio county, through which most of those people pass, many of whom are flying from justice.

I have, sir, taken some pains to distribute copies of your instructions, with those from the honorable the Commissioners for Indian Affairs, into almost every settlement west of the Ohio, and had them posted up at most public places on the east side of the river, in the neighborhood through which those people pass.

Notwithstanding they have seen and read those instructions, they are moving to the unsettled countries by forties and fifties.

From the best information I could receive, there are at the falls of the Hawk Hawkin [Hockhocking] upwards of three hundred families; at the Muskingum a number equal.

At Meravens [Moravian ?] Town there are several families and more than fifteen hundred on the rivers Miami and Scioto. From Wheeling to that place there is scarcely one bottom on the river but has one or more families living thereon. In consequence of the advertisement by John Amberson [Emerson], I am assured meetings will be held at the times therein mentioned. That at Menzon's or Haglin's Town, mentioned in my report of yesterday, the inhabitants had come to a resolution to comply with the requisitions of the advertisement.

The supposed distance from this place to Wheeling, pursuing the river, is seventy miles. I am, sir, etc.,

JOHN ARMSTRONG, *Ensign.*

---

(1) Little Beaver, in what is now Columbiana county, Ohio; Yellow Creek settlement, near Wellsville; Mingo Bottom, in what is now Jefferson county, Ohio, three miles below Steubenville; Norris's Town, also below Steubenville; Haglin's was what is now Belmont county; and opposite Wheeling was in Pease township, Belmont county.

by sixty-six of them, praying for a further indulgence of time, and informing me that they had sent on a petition to Congress on the subject.[1] In answer to which, I thought it most expedient to grant them one month from the 21st ultimo to remove themselves, at the expiration of which time parties will be detached to drive off all settlers within the distance of one hundred and fifty miles from this garrison, which, in my present situation, is all that is practicable.

The number of settlers lower down the river is very considerable, and, from all accounts, daily increasing. I would, therefore (before I proceed further in this business), beg to know the pleasure of your Excellency and your particular orders upon the subject.

The following is the advertisement alluded to, which shows that the settlers were equal to self-government, and, if undisturbed, would soon have laid the foundations of a State on the Ohio:

ADVERTISEMENT.

March 12, 1785.

Notice is hereby given to the inhabitants of the west side of the Ohio River that there is to be an election for the choosing of members of the convention for the framing a constitution for the governing of the inhabitants, the election to be held on the 10th day of April next ensuing, viz: one election to be held at the mouth of the Miami River, and one to be held at the mouth of the Scioto River, and one on the Muskingum River, and one at the dwelling-house of Jonas Menz[illegible]; the members to be chosen to meet at the mouth of the Scioto on the twentieth day of the same month.

I do certify that all mankind, agreeable to every constitution formed in America, have an undoubted right to pass into every vacant country, and there to form their constitution, and that from the confederation of the whole United States, Congress is not empowered to forbid them, neither is Congress empowered from that confederation to make any sale of the uninhabited lands to pay the public debts, which is to be by a tax levied and lifted [collected] by authority of the Legislature of each State.

John Emerson.

[1] The representation was to the effect that the settlers desired "to act consistent with our duty to our country and the commands of the Legislature," and asked for indulgence in time for removing their families and effects. There were, however, three communications, one 5th April, one 8th, and a third, dated 15th. It is to the last Colonel Harmar specially refers. The petitioners asked delay until they could hear from their papers, which they had forwarded to be laid before Congress. Colonel Harmar replied, allowing the indulgence mentioned in his letter, but notifying them that his orders were peremptory.

COLONEL HARMAR TO THE SECRETARY OF WAR.[1]

FORT MCINTOSH, *June 1st*, 1785.

Sir:—It is but lately I had the pleasure of hearing of your appointment, otherwise, the returns should have been forwarded sooner.

The Wyandot and Delaware nations have brought in their prisoners (fifteen in number) agreeably to treaty,[2] and the hostages left in my possession are now dismissed. These nations are friendly, and I believe wish to cultivate a good understanding with the Americans. The Shawanese make great professions of peace, and are desirous of a treaty being held with them. The Cherokees are hostile, and have killed and scalped seven people near the mouth of the Scioto, about three hundred and seventy miles from hence.

Speeches have been continually sent by the British from Detroit to the Indians since the treaty, and I have good intelligence that several traders have been among them, using all means to make them entertain a bad opinion of the Americans. One Simon Girty,[3] I am informed, has been to Sandusky for that purpose. I have taken every means in my power to counteract their proceedings, and have directed the Indians not to listen to their lies, but to tie and bring in here any of those villians who spread reports among them injurious to the United States, in order that they may be punished.

The honorable the Commissioners for Indian Affairs, previous to their departure, left me instructions to drive off all surveyors or settlers on the lands of the United States, in consequence of which a party has been detached, who drove them off as far as seventy miles from this post. The number lower down the river is immense, and, unless Congress enters into immediate measures, it will be impossible to prevent the lands being settled.

I have written, some time since, upon the subject, requesting particular orders how to conduct myself, as it is out of my power to sweep them further than the distance of one hundred and twenty or one hundred and fifty miles from hence. This is a matter of so much importance, that perhaps you may judge it necessary to remind Congress of it.[1]

---

[1] Major-General Knox, recently appointed to the War Department.

[2] Treaty of Fort McIntosh.

[3] A renegade white man, who had taken up his residence with the savages, and became more inimical to the interests of his own race than even the natives themselves.

COLONEL HARMAR TO THE SECRETARY OF WAR.

FORT MCINTOSH, *July 16th*, 1785.

Sir:—On the 11th inst., I was informed that three chiefs[2] and twenty-five Indians of the Six Nations had arrived at Fort Pitt, and wished very much to speak with the commanding officer.

Agreeably to their request, I rode up to Pittsburgh and met them in council, when, to my great surprise, the *Cornplanter*, the principal chief, had the original articles of the treaty which was concluded with them at Fort Stanwix[3] along with him, and, toward the close of the speech, said they were burdensome, and wished to deliver them up. I have the honor to inclose you their speech, and my answer to it.[4]

---

[1] *MS. Harmar Papers.* The letter was referred in Congress to a committee consisting of Mr. Grayson, Mr. McHenry, Mr. Pettit, and Mr. King, who brought in a report approving the conduct of Colonel Harmar, authorizing him to remove his troops, and take post at or near the Ohio, between Muskingum and the Great Miami, "which he shall conceive most advisable for further carrying into effect the before-mentioned orders;" and appropriating six hundred dollars for the purpose of transporting the troops and their baggage. See *Journals of Congress.* It was under this order that Fort Harmar was erected near the mouth of the Muskingum.

[2] Cornplanter, Gioshuta [or Guyasutha] and Hockushakwego (Allface).

[3] The treaty of Fort Stanwix, concluded 22d October, 1784, between Oliver Wolcott, Richard Butler, and Arthur Lee, commissioners, and the Sachems and Warriors of the Six Nations.

[4] Cornplanter opened the council, and was followed by Allface and Gioshuta. Allface said, "Brothers, it was the great King, our father [Great Britain], who provoked us to all the mischief we have done, but now we take no advice from him, and wish to sit in council with the Americans as we formerly did." He then said the reason all the prisoners had not been delivered up, as stipulated, was because many of their young men were absent when both the treaties of Stanwix and Fort McIntosh were made, but they would be delivered, and they desired to have the boundaries clearly established. He produced the articles of the treaty, signed at Fort Stanwix. "You may see by this that we are great men, representing the Six Nations."

Gioshuta speaks:

Brothers, we thank God for having the pleasure to sit in council this day with our brothers, the Americans.

Brothers, you may reflect on us for the past troubles we have occasioned, but you must blame the great King; and we are sorry we did not take ad-

It is reported that a Mr. Brant has lately arrived from London, who, with the commanding officer of the British in that quarter, has informed the Six Nations that their lands were never ceded to the Americans by the King of Great Britain, in consequence of which, these chiefs complain of being accused by their nation of treachery, and say they are in danger of their own people.

They have left Fort Pitt highly satisfied, to appearance, with the answer to their speech, but, so long as the British keep possession of the posts, it is very evident that all treaties held by us with the Indians will have but little weight with them.

---

vice from the thirteen brothers, but we hope you wont think of any thing that is past.

Here is the belt that was delivered us at Fort Pitt. I now take it in my hand to let you see I am sincere. We see every thing you told us has come to pass, and what you tell us now or in future we will attend to. We, the Six Nations, are as strong as ever.

Brothers, the reason I wish the Thirteen Fires should hear what I say now is, because I was the man who had the fire removed from Fort Pitt. Now I wish it brought back to Fort Pitt.

Brothers, it was the great King who gave you all our country. Brothers, as I know the King gave you this country, we would all be glad how soon you could divide it, that we may all know our parts. We know your speeches were all good, that you said you would not cheat us of our lands. We believe you.

(A belt of wampum.)

Cornplanter speaks:

Brothers, the Thirteen Fires, you may think what you please, but I look up to God for every thing I do, and hope to do every thing for the best. It is hard with me. I was a chief man at Fort Stanwix, and my people blame me much, for the English have told our people that the great King never sold our lands to the Thirteen Fires, but, brothers, I am still strong, and will do every thing that was agreed to at the treaty. Brothers, I want one favor, which is, that you would write to our people, informing them, for certain, that the country belongs to the Thirteen Fires.

I wish I could deliver up to you these papers (the articles of the treaty, etc.), for they give me a great deal of trouble, on account of the lies the English have told our people.

(A string of wampum.)

In his speech, in reply, Colonel Harmar said:

"Brothers, you may, for certain, inform the Six Nations that the King has by treaty given away all your lands to the Thirteen Great Fires, and whoever advised you to come to this place to deliver up the articles of the treaty which you solemnly made at Fort Stanwix, are not your friends, but are endeavoring to ruin you.

"Brothers, it will not be long before we shall take possession of Niagara

CAPTAIN JOHN DOUGHTY TO THE SECRETARY OF WAR.

FORT MCINTOSH, 21*st October*, 1785.

I have the honor to inclose you a copy of the proceedings of a conference held at this place between myself and some Delaware and Wyandot Indians, who came to me in consequence of the affair at Tuscarawas, which I mentioned to you in my letter of the 5th of October. I beg leave to submit to you the inclosed information of John Leith and Alexander McCormick. The latter is a trader who lives at the Tawa towns. He is warmly recommended to me by Colonel Harmar, as a friend to the country. He tells me it is impossible to get his effects from that country this fall, which obliges him to winter in the neighborhood of Detroit. From the circumstance of being within the power of the British he requests that his name may not be known. He appears to be an intelligent man, and well acquainted with Indian affairs.

Notwithstanding the submission of the Delaware and Wyandot Indians, made to me at the conference, and their professions of peace, I am induced to believe that their dispositions are hostile, because, in the murder of Chambers, at Tuscarawas, there were twenty or thirty Delaware Indians, with one of their chiefs, present, and it does not appear that they took any steps to prevent the outrage of the seven Wyandots, except to save the life and property of their friend Leith, who was an adopted brother; besides, Mr. McCormick informs me that he is well assured that the murder committed at the mouth of the Hockhocking, this summer, of five or six people, was done by the Wyandots and Delawares; indeed, every account that I have had confirms me in the opinion that we shall have trouble in this country ere long, unless something is done at the present treaty to avert the storm, and I must confess my expectations are not very flattering from this quarter, because I am well informed that some nations will not go to it, and those that do go have no idea of ceding their lands to us upon the terms of the last treaty.[1] The Indian representation at this place last winter was so very partial, from the few tribes that appeared, and the objects of the treaty of so general concern, that the terms of it are far from being considered as binding upon the tribes to the westward. This

---

and Detroit, which the English ceded to us, as well as the lands. This must, then, convince you that you have not been told the truth."

[1] The only nation that participated in the treaty at the Great Miami was the Shawanese, and that nation afterward repudiated the terms.

treaty, and the one at Fort Stanwix, with the steps the honorable the Continental Congress have thought fit to take in sending out the surveyors, have had the effect to unite the Indians, and induce them to make a common cause of what they suppose their present grievances. They are told by the British, and they are full in the persuasion, that the territory in question was never ceded to us by Britain, further than respects the jurisdiction or putting the Indians under the protection of the United States. From this reasoning they draw a conclusion that our claim in consequence of that cession ought not to deprive them of their lands without purchase. I believe you may depend upon it that this is the reasoning of their chiefs. I am so informed by several persons who have been among them. Our acting upon the late treaty made at this place last winter, in beginning to survey their country, is certainly one great cause of their present uneasiness.

If a confederacy of the Indian tribes to the westward should take place, of which there is a prospect, they will become very formidable from their numbers. Should an event of this kind appear probable, from what information Congress may have before them, it appears to me evidently for our interest that some steps should be taken to engage some of their nations in our favor; in this case I beg leave to offer it as my opinion that one great step to be pursued should be a distribution of a few presents among them, and a constant intercourse with them by emissaries well acquainted with their language and manners, who shall always be in their towns, counteracting the unfavorable impressions that are daily forming against us. This policy was pursued by the French, and is now by the British, whose agents are constantly in their towns, conciliating their friendships and trade to the almost total exclusion of our people.[1]

---

[1] *MS. From files of the War Department.* This letter of Captain Doughty's shows a clearer insight into the plans of the Indians and the schemes of the British, than other correspondence contemporary with it. For account by Leith, see Appendix, 682.

The information communicated by Mr. McCormick was as follows:

Mr. McCormick left Omi, or Miami River, which empties itself into Lake Erie near *Point-au-Cedar*, in the Tawa country, on the 5th instant. He says that the chief of that nation told him that they would not go to the treaty at the Big Miami, nor to any other treaty, until we met them at Detroit; that a grand council was held some little time ago at Coshocking, on the head waters of the Big Miami, at which were present the chiefs of many nations; that he was informed that the object of this council was to unite themselves against the white people; that two large belts of wampum were

COLONEL HARMAR TO THE SECRETARY OF WAR.

PHILADELPHIA, *October* 22, 1785.

Sir:—I have the honor to inform you of my arrival at this place on the 7th inst.

Previous to my leaving Fort McIntosh, the following arrangements were made to the westward, viz: A full company of infantry was raised with much difficulty from the remains of the old Pennsylvania quota, and embarked under command of Captain Finney, with General Butler, on the 29th ult., to attend the treaty, which was to be held at the mouth of the Great Miami.[1]

---

sent from the council to the different nations, holding out that they should unite and be at peace with each other, that the roads should be open from one nation to the other; and that nations were present at the council from a considerable distance to the west of the Mississippi. He has been told, and, from the best observation he could make, is of the opinion, that a general war has been in contemplation among the Indians against the Americans. Mr. McCormick heard, at the Tawa towns, that Mr. Boggs and the other messengers did not proceed further than the Miami towns, and that they lost their horses. He was present when Mr. Matthew Elliot, an Indian agent for the British, told at the Shawanese towns, in the presence of forty Indians, that the Indians had better fight like men than give up their lands and starve like dogs. That Girty and Caldwell were lately at the Delaware and Wyandot towns persuading the Indians not to go to the treaty at the Big Miami; that a Tawa chief told him that his father (meaning the British) had advised him not to go.

Mr. McCormick is of opinion that the Indians in general have hostile intentions against us. He is positive in his opinion, from his frequent intercourse with the Indians, that it will be very dangerous for the surveyors to go on with their business until the present uneasiness subsides. On his road to this place he was met by two Indians, forty miles from hence, on the Tuscarawas path; one of them immediately treed, upon which he treed also. He supposes they would soon have had a shot at each other had not the other Indian come up, who knew him. They had six horses with them, which he supposes they had stolen somewhere near the mouth of Little Beaver or Yellow Creek. He met three families going to Detroit from the Mingo Bottom; they were going to settle under the British government.

[1] On the 29th June, 1785, Congress directed a treaty to be negotiated with the Shawanese and other western Indians. On the 31st January, 1786, the commissioners, George Rogers Clark, Richard Butler, and Samuel H. Parsons, concluded a treaty with the Shawanese at the mouth of the Great Miami. It extended the tract which had been agreed to by the Wyandot and Delaware nations from the point on the main branch of the Great Miami intersected by the south line of the said boundary; then down the river Miami to the fork of that river, next below the old fort which was taken by the French in 1752; thence due west to the river de la Panse; thence down

After the treaty is concluded, I have given Captain Finney written orders to secure himself from insult at the Miami by fortifying his winter quarters, or if the commissioners should be of opinion that it would be most eligible to assume any other position, as I conceive them best acquainted with that part of the country, his orders are to obey their directions on that head. On the 7th ult., Captain Doughty's company of artillery arrived at Fort McIntosh. I have given him written orders to take post at or near the mouth of Muskingum, about one hundred and forty miles below McIntosh, and to stockade or pallisade himself, for his own security, as he should judge most proper. Captain Heart's company of infantry I met on the 7th inst., upon the Laurel Hill, about four days' march from Fort Pitt. I have given him orders to expedite his march, as he would be on time to go down the river with Captain Doughty, and to put himself under his command.

This position at Muskingum will answer the valuable object of removing the intruders from the public lands, should any hereafter presume to encroach upon them, which I do not believe will be the case, as shortly before I left McIntosh they sent up to me a most humble representation in behalf of the whole, purporting that they were convinced that they had behaved disorderly, and praying, as the last indulgence, that they might only be permitted to stay a short time and gather their crops, after which they would instantly depart. Lenity I thought to be out of the question, and have directed Captain Doughty, on his way down, to burn and destroy any remaining cabins between McIntosh and Muskingum. It will also cover the continental surveyors, in some measure, in their laying off the seven ranges of townships, and convince the Indians that Congress means to protect the legal settlers on the lands ceded to them by the treaty. For these reasons, I judged it a preferable position to the mouth of the Scioto, which I thought to be rather too low down the river.

Having thus arranged matters to the westward, I have, agreeably

---

that river to the Wabash; "beyond which lines none of the citizens of the United States shall settle, nor disturb the Shawanese in their settlement and possession. And the Shawanese do relinquish to the United States all title, or pretense of title, they ever had to the lands east, west, and south of the east, west and south lines before described." Peace was granted to the Shawanese, and the protection of the United States taken from intruders on Indian lands. In return, the Shawanese undertook to advise the Americans of any hostile intentions against them on the part of other nations, under penalty of being regarded as a party to the war.

to your permission, repaired to this place in order to expedite the recruiting service.

COLONEL HARMAR TO THE SECRETARY OF WAR.

FORT PITT, *July 3d*, 1786.

Sir:—Previous to the receipt of your letter of the 7th ult., I had received the following intelligence, viz:

One John Bull (called by the Indians Sheebo) informs me that he left Detroit on the 29th of April, in company with one hundred Moravian Indians, men, women, and children, who are at present about four miles from Cuyahoga. That they have crossed the lake with the intention to settle near their old towns on the Muskingum, where a party of these Indians were formerly massacred; but as they are too late in the season for planting, their design is to remain and hunt near Cuyahoga until fall. He further informs me that, on the 7th ult., Commodore Grant, with Captain McKee, Simon Girty, and Matthew Elliot, with forty Indians, among whom were the Half King, Baubee, Koon, and Gusheways, a chief of the Ottoways and Chippeways, sailed from the mouth of Sandusky River for Canada. They gave out that they were going to Quebec with a design to purchase the lands on the north side of the lake from the Indians, but it was generally supposed they were going no further than Niagara, to a treaty to which Sir John Johnson (who was there) had invited them and the Six Nations.

Such is the intelligence given by Mr. Bull. These Moravian Indians (among whom Bull resides) by what I can learn, have ever been friendly to the United States. The circumstance, therefore, of their returning to settle on their old habitations I think favorable. I shall endeavor to be made acquainted, if possible, with the principal circumstances relative to the treaty holding at Niagara, and to know the designs, etc., of Sir John Johnson in calling it.[1]

---

[1] Coloner Harmar had started west in June, and was on his way to Fort Harmar when the above letter was written. Before leaving Philadelphia a sum of money had been placed in his hands to be used in preserving peace with the Indians, and he had received very minute instructions from the Secretary of War. An Indian war seemed to be imminent. The hostages delivered by the Nations, parties to the treaty at Fort McIntosh, to the Americans, escaped on hearing of hostile movements. The highest prudence was requisite in the management of the troops in the Territory. Distinction should be made between lawless banditti, such as the Cherokees and others settled on the Scioto, and the conduct of more regular tribes. "An Indian war," said the Secretary, "disagreeable at all times, would be peculiarly

COLONEL HARMAR TO THE SECRETARY OF WAR.

FORT PITT, *July* 12, 1786.

Sir:—Since I had the honor of addressing you on the 3d instant, I have to inform you that Captain Mercer, with his detachment, arrived here on the 5th, and marched for McIntosh on the 8th.

Notwithstanding the intruders having been so frequently removed from the public lands, Captain Doughty informs me there are several who have crossed the river again, and some have ventured to penetrate the country as far as twenty miles from the Ohio. I am preparing to detach Captain Hamtramck with a command, to consist of his own company, Captain Mercer's, and Captain McCurdy's, with orders to take a position for five or six weeks at the Mingo Bottom, or its vicinity, and to make diligent search for them, and destroy their dwellings. This command (about one hundred and sixty men) will march from McIntosh for this purpose in the course of a few days.

Captain Hutchins,[1] with his surveyors, leaves this place in a day or two for the purpose of commencing his business. He has sent a message to the chiefs of the Delawares and Wyandots, informing them the nature of his business, and requesting their attendance for his protection, agreeably to their promise at the treaty at the Miami. It is generally supposed they will not attend. Near a month will elapse before he will receive an answer. He is under very just apprehensions for his safety, and has applied to me for an escort. I have thought it advisable that he should make an

---

distressing in the present embarrassed state of the public finances: therefore, it must be avoided if possible consistently with the interest and dignity of the United States." "The emissaries, who are stimulated by the British officers or their agents, will be industrious to urge the Indians to open hostilities; it will be your duty to counteract them, and I shall flatter myself that you will be effectually able to accomplish it."

[1] Thomas Hutchins, Geographer-General, who had been appointed by Congress to make the surveys in the West. He was born at Monmouth, N. J., in 1730. He was Assistant Engineer in Boquet's expedition. He was in London at the opening of the Revolution, and, being suspected of correspondence with Franklin, was arrested and imprisoned, which involved a loss of £12,000. He was, after a confinement of several weeks, liberated, and made his escape to the United States by the way of France. He published various topographical maps, and supplied the maps and plates for the "Account of Boquet's Expedition Against the Ohio Indians," which was written by William Smith, D.D., of Philadelphia, and published in 1766. He was a contributor to the Philadelphia *Transcript*. He died at Pittsburgh April 28, 1789.—*Am. Biog. Dic.*

essay without an armed force, but in case of danger, I shall give him all the protection in my power. These three companies, under Captain Hamtramck, will be near his second or third range of townships, and if the business can be prosecuted without covering him with the troops, I am of opinion it will be for the better. My reason for declining giving him an escort for the present is that it might probably provoke the Indians to open hostilities, and bring on a war, which, I conceive, the United States wish to avoid. If the answer to Captain Hutchins's message should prove unfavorable, and you should approve of my covering him with all the force I can muster, in order that he may persevere in it, this will be bringing matters to a point. Here will be the criterion to judge of the temper of the Indians by, and whether the treaties that have been held have been of utility to the United States or not. As this would be a serious movement, I beg your orders upon this head before I undertake it.

The murders that have been committed lately upon the inhabitants passing up and down the Ohio, indicate great dissatisfaction prevailing amongst the Indians. Two men were lately murdered (one of them a hunter for Captain Doughty) on Fishing Creek. Major Wyllys, having just returned from the Miami, brings sundry speeches, etc., which I do myself the honor to inclose. A copy of a letter from General Clarke, in that quarter, will show that Captain Finney's apprehensions of an attack upon his post by the savages were not groundless. Indeed, from every intelligence which I have been able to collect, matters do not wear that favorable aspect which has been represented. Mr. Turnbull has in his possession an extract of a letter from Post St. Vincent, to which I beg you to be referred for the news there. I shall proceed thither in the course of a few days, and make it my principal quarters.[1]

---

[1] *MS. Harmar Papers.*—The day following the date of the above letter, Colonel Harmar having received, by the hand of Major North, instructions from the Secretary of War, under date of June 27th, replied at length. He said that, in obedience to instructions, he should detach two companies to the rapids of the Ohio to protect the inhabitants from the incursions of the Indians. "I shall give the officer commanding particular orders not to form any offensive operations into the Indian country without my permission. Establishing posts high up the Miami and Muskingum, I am persuaded you will agree ought to be deferred for the present, as I am making my arrangements to be ready to cover the surveyors as much as shall be in my power. The surveying and disposal of the Western Territory, I take for granted, to be the first grand object of Congress." He, therefore, proposed the following disposition of his force: "To detach Finney's and Ziegler's companies from

Colonel Harmar to the Secretary of War.

Fort Harmar (at the Mouth of the Muskingum),
August 10, 1786.

Sir:—Since I had the honor of addressing you on the 4th instant,[1]

---

the Miami to the rapids, and close the post at the Scioto, as there were no intruders below the Muskingum; they were all between the latter and the Pennsylvania line. Captain Hamtramck, with these companies, would take post at Morris [Norris] Town, below the Mingo Bottom; Captain Ferguson would be at McIntosh, and three companies would remain at Fort Harmar. He would have three hundred troops left for active field operations."

[1] The only items of interest in the letter of the 4th of August were that, as Captain Hutchins had requested a body of troops to cover the surveyors, Captain Hamtramck had been directed to move from Mingo Bottom to Little Beaver for that purpose; that he was endeavoring to conciliate the minds of the Indians, and had had several Delawares and Chippewas at Fort Harmar, Fort McIntosh, and Fort Pitt to "brighten the chain." The Indians had returned well satisfied with their treatment, and he had sent a speech to the Delaware Nation by an Indian named Turis. Agreeably to the order of Congress, he had detached two companies to the falls of the Ohio. He had information that several lawless villains in the neighborhood of Wheeling had threatened to waylay the friendly Indians on their return. If that were done, he would arrest the rascals and give them a taste of Federal law. "These men on the frontier have been accustomed to seat themselves on the best of lands, making a tomahawk right or improvement, as they term it, supposing that to be a sufficient title. I believe them in general to be averse to Federal measures, and that they could wish to throw every obstacle in the way to impede the surveying of the Western Territory, agreeably to the ordinance of Congress."

"Mr. Liebert, a cadet in the corps of artillery, was dispatched by Captain Doughty some time ago into the Indian country for intelligence. He has returned. I have the honor to inclose you a copy of his report."

"As Major Fish intends to resign, I beg leave to observe that the aid of a field-officer is absolutely necessary." Following is the report of affairs in the Indian country:

Report of Mr. Philip Liebert.

Fort Harmar, *July* 20, 1786.

On the 18th of March last I left this place, with orders from Major Doughty to pass through the Delaware and Shawanee towns on the waters of the Miami, and the Delaware and Wyandot towns at Sandusky; to observe the disposition, and to find out, as far as possible, the intentions of the savages, whether hostile or not; and to assure them of the friendly disposition of the Americans. I pursued the course of the Ohio in a canoe until the 21st of March, when I reached the Big Miami. I rested at Fort Finney until the 23d, when I proceeded up the Miami, which I found very rapid; and on the 27th of April I fell in with a Delaware town, the residence of Pokongekalas, a chief of great repute. I left this town on the 10th of May

Ensign Denny has arrived from the Miami, and brings intelligence that an expedition is forming under the command of General Clarke, and authorized by the State of Virginia, to attack the Indians.

Be pleased to receive the inclosed copy of a letter from General Clarke to the commanding officer at the Miami, wherein you will observe his wish to be joined by the regular troops upon this expedition. As I have received no order from you upon this head, I have given express orders to Captain Finney not to form any offensive operations into the Indian country without my directions. The inhabitants in the neighborhood of the Falls will be very anxious to push forward the regular troops on this occasion, but it shall be prevented until I receive your orders whether to join them or not.

---

on my way to Sandusky, having been, from the 27th of April, at two Shawanese and four Delaware towns, and some scattering settlements of Wyandots. On the 12th of May, I arrived at the Delaware and Wyandot towns at Sandusky, where I staid three days; left it on the 15th, and arrived at McIntosh on the 28th of May. I left my canoe at the forks of the Miami, and proceeded through the remainder of my journey on horseback. At every town I executed my orders in assuring the Indians that the thirteen great fires were determined to hold fast the chain of friendship, and told all the chiefs that the commanding officer at Fort Harmar had sent me to see them, to smoke with them, and to invite them to come and see him. Many have promised to come.

In Pokongekalas's town I met the Big Cat, a very great warrior, and George Washington; they in particular were very glad to see me. They promised to protect me whilst I staid amongst them, for the whole town was drunk. When at Pokongekalas's town, I saw sixteen of the Six Nations; they came from Niagara. They said they were going to hold council in the Shawanese town. I afterwards inquired of one Rollins, a silversmith, living in one of those towns, to find out the business of these Indians. He told me they had a letter for Captain Elliot, an Indian agent who lives with the Shawanese; that at the council, the sixteen Indians told the Shawanese that they were come to invite them to join hands and be strong to prevent the long knife from taking their lands. They were painted black, and told the Shawanese they would set the example, and were going to war. After the council, they were joined by some of the Cherokees and a few of the Shawanese. It was some of this party who murdered Captain Sherer and three others at Tuscarawas a few weeks ago. This information was confirmed to me by three Frenchmen besides Rollins.

When I was at the Shawanee town where Elliot resides, I found that he had frequent councils with them, and that the Shawanese in general were not well disposed to the Americans. The Delawares and Wyandots, through whose towns I passed, appeared kind and friendly and desirous of peace. The chiefs, in every instance, shook hands with me and were glad to see me. The Delawares and Wyandots are averse to admit the Cherokees and their party among them; but in the Shawanese towns they are received and often joined by some of that nation.—*MS. Files of War Department.*

COLONEL HARMAR TO THE SECRETARY OF WAR.

FORT HARMAR, *October 10th*, 1786.

Sir:—I last had the honor of addressing you by Lieutenant Beatty, which was on the 17th ultimo.[1]

In consequence of the intelligence respecting the hostile intentions of the Indians assembled at the Shawanese towns, which was corroborated by sundry depositions through other channels, Captain Hutchins, after having progressed forty-three miles on the east and west line, and then superintending the eighth range, declined prosecuting the surveying business, and, on the 23d ultimo, with his surveyors, thought it most prudent to retire to the Ohio. . . .

I have been informed that it is the determination of the geographer to proceed again with the business, and the surveyors were to go out for that purpose on the 2d instant. If it should not be continued there shall be no censure fall upon the troops, as I have given pointed orders to Captain Hamtramck, with his detachment, to afford them every protection in his power. I am well convinced that Captain Hutchins is very zealous to carry into effect the ordinance of Congress, and the surveyors also; but the intelligence received from the Indian country is of so serious a nature as to excite in them very just apprehensions of danger.

COLONEL HARMAR TO THE SECRETARY OF WAR.

Extract of a letter from Colonel Harmar to the Secretary of War, dated:

FORT HARMAR, *November 15th*, 1786.

Sir:—In consequence of a letter from his Excellency, the Governor of Virginia, I took it for granted (although I had not received instructions from the war office upon the subject), that it was the design of Congress that the two companies of regular troops at the Rapids should co-operate with the militia in any operations which might be formed for the protection of the inhabitants from the depredations of the Indians. I have, therefore, directed Captain Finney to make his arrangements accordingly. A copy of his Excellency's letter to me, and a copy of my instructions to Captain

---

[1] *MS. Files of War Department.* The letter of the 17th contains nothing of special importance. Colonel Harmar expresses the opinion that the council of Indians before referred to, was in order to be prepared for General Clarke in his intended expedition.

Finney, I do myself the honor to inclose to you, and hope my conduct in this affair may meet your approbation.

An expedition under Colonel Logan, with nine hundred militia, went forward on the 1st ultimo. He returned to Limestone, from whence he set out in a fortnight, having met with very little opposition, as all the warriors had gone to meet General Clarke. Seven of the Shawanese towns were burned, a few scalps taken, and thirty women and children prisoners. Melanthy, the Shawanese king, would not fly, but displayed the thirteen stripes, and held out the articles of the Miami treaty, but all in vain; he was shot down by one of the party, although he was their prisoner. I am sorry that this disgraceful affair should have happened, as Melanthy had always been represented as a friend to the United States.

General Clarke, with about twelve hundred men, marched from the Rapids of the Ohio for the Wabash, on the 17th of September last. I very much fear that the expedition will prove unsuccessful. The latest intelligence I have received from that quarter is, that it was reported four hundred of his men had left him in a body at or near Post Vincent, where he was, and had returned to their homes.

The surveying business under cover of the troops still goes on. Captain Hutchins writes me that if the weather proves favorable he expects that the seven ranges of townships will be completed this winter. The troops escorting him are barefoot and miserably off for clothing, particularly woolen overalls. They have a very severe fatiguing tour of duty. I pray you to order the new clothing forwarded here as soon as possible.[1]

Colonel Harmar to the Secretary of War.

Fort Harmar, *May* 14*th*, 1787.

Sir:—I had the honor of addressing you last on the 10th ult., wherein you were informed of Captain Heart, with his company, having marched from hence to take post at Venango.

He writes me from Pittsburgh, that every preparation was made, and he should ascend the Alleghany on the 27th ult. He also informs me in his letter of the 27th of last month, that "a council of all the Indian tribes was then holding at Buffalo Creek, near Fort Erie, the subject to be determined, report said, was whether they would give up their lands or not."

---

[1] *MS. Files of War Department.* Such parts of the letter only are given here as have an historical interest.

On the 15th ult., I left the Muskingum in the barge, accompanied by Lieutenant Beatty and Lieutenant Pratt, and arrived at the Rapids of the Ohio in ninety-two hours. I spent a week with Major Wyllys at the garrison. On my return I traveled by land from Louisville to Limestone, by the way of Danville and Lexington, (Limestone is one hundred and eighty miles distant from the Falls by that route), and returned to Muskingum on the night of the 10th instant.

During my short stay at the Falls, I endeavored to make myself acquainted with the politics of the country, and to gain as perfect a knowledge as I possibly could of what was going forward amongst the inhabitants of Kentucky. The free navigation of the Mississippi is the general subject of discourse amongst them. The inhabitants to the westward of the Alleghany Mountains are unanimously opposed to its being closed. If such a measure should take place, they will look upon it as the greatest of grievances, as the prosperity of the Western world depends entirely upon this outlet. Kentucky, at present, by the returns of their County Lieutenants, muster five thousand fighting men. You will please to judge what a flourishing country this must be in the course of a few years, from the number of emigrators to it. Curiosity prompted me to order the officer of the day to take an account of the number of boats, etc., which passed the garrison. From the 10th of October, 1786, until the 12th of May, 1787, one hundred and seventy-seven boats, two thousand six hundred and eighty-nine souls, one thousand three hundred and thirty-three horses, seven hundred and sixty-six cattle, and one hundred and two wagons, have passed Muskingum, bound for Limestone and the Rapids. If Congress should be of opinion that it will be expedient to shut the navigation, I think a respectable post at the mouth of the Ohio or the Wabash will be necessary, otherwise from all appearances the people will become so strong in the course of a little time as to force a trade at all events.

Very irregular proceedings have been carried on in that country. The Wabash Indians have been invited to a treaty, to be held at Post Vincent on the 1st of this month. It was thought a number of them would assemble, but after reconsidering the matter, it was judged best to hold no treaty with them. General Clarke, with a party, was to proceed to the Post, in order to amuse the Indians, so that they might peaceably disperse and commit no hostilities. A Captain Dalton, with about one hundred men, raised for three years, had taken a position at Post Vincent, but his men have all disbanded for want of provisions. By what I could learn, the French inhabitants have suffered greatly, his party having impressed their cattle and distressed them very much.

I know of no legal authority either for these people to invite the Indians to a treaty or for Captain Dalton, with his men, to station himself at Post Vincent. It is a village of considerable consequence, and a party of regular troops being posted there would countenance and encourage the inhabitants, who, by all accounts, are well affected to the interest of the United States. From the Rapids to Post Vincent, by land, is about ninety miles distant, and from thence to Kaskaskia by land about the same distance. From the best information I could obtain, I humbly beg leave to observe, that Post Vincent and the Illinois country are well worthy of the immediate notice and attention of Congress.

Amongst other irregularities committed, the following is another instance: A boat came from New Orleans to the Post to trade. Her cargo was valued at upwards of two thousand pounds. She was seized, and the owners robbed of their property. The seizure was made as Spanish property, and designed as a retaliation.

Several parties of the Wabash Indians are now in the Kentucky country plundering the inhabitants of their horses, and occasionally murdering them. Last month, a son of General Scott's was killed and scalped on the Kentucky River. The people are in great dread of the savages. Permit me to observe that a respectable garrison of regular troops established in the heart of the Indian country, somewhere either high up the Wabash or the Great Miami, would keep the Indians in awe, and, in a great measure, secure the frontier inhabitants.

If it was consistent, I could wish much to have four companies of riflemen annexed to the regiment. There is no better place to raise them than in Kentucky. I believe there would be very little difficulty in recruiting in a short time that number of expert woodsmen well acquainted with the customs of Indians, and who want nothing but regular officers to command them to make them good soldiers. I am convinced that such a corps would be highly useful.

When I was at Limestone, a party of the Shawanese had brought in six or seven prisoners. They were encamped on the opposite shore, waiting to exchange them for an equal number of theirs, taken in Colonel Logan's expedition. I went over the river and made a speech to their chief, called the Wolf. I observed that frequent murders were committed in the Kentucky country by the Indians, and that they would provoke the Thirteen Great Fires at last to such a degree that they would send their young warriors and destroy all their nations. His answer was in the usual style, that none of the Shawanese committed these murders, but that they were done by a banditti countenanced by none of the regular tribes.

I shall expect official intelligence from the War Office respecting the surveying department for this year. Mr. Ludlow is at present running south on the seventh range, which, it is imagined, will either take in this post or strike the river very near it. By the last accounts, the Indians had stolen his horses. As these horses are all insured, they will be a dear bargain for the public. Twelve cabins, erected by the intruders, have been lately destroyed by order of Major Hamtramck, in Mingo Bottom and its vicinity. Mingo Bottom is a fertile spot, and very much attracts the attention of these fellows, who wish to live under no government. . . .

COLONEL HARMAR TO THE SECRETARY OF WAR.

FORT HARMAR, *June* 7, 1787.

Sir:—I had the honor of addressing you last per Lieutenant Beatty, since which I have received your letter of the 26th of April.[1]

Immediately upon the receipt of your letter, I began to make the necessary preparations to execute the orders of Congress, and have, accordingly, evacuated Fort Steuben, and have transmitted orders to Captain Ferguson to withdraw the command from Fort Pitt, leaving only Lieutenant Ashton and his waiter there. To also leave an officer and sixteen men at McIntosh, and, with the remainder of his company, to follow me to the Rapids of the Ohio. Captain Ferguson has not yet arrived at this post, but I have detached Captain Strong, with his company, on the 26th ult., and Captain Mercer and Captain Smith, with their companies, some days since, with a howitzer and the necessary ammunition from hence for the Rapids.

The surveyors have made application to me for escorts to complete the fifth, sixth, and seventh ranges. I have detached an officer and sixteen men to Wheeling for that purpose, which is the greatest number I could possibly spare them. They are very extravagant in their demands. The whole regiment would scarcely suffice them.

---

[1] This contained instructions for the summer. These were to the effect, first, that it was important to enable the surveyors to push their work to an early completion, in order that the lands might be brought into market, as the finances of the Colonies were in a very low condition, and guards should be furnished to them liberally; second, that, as the French inhabitants at Post Vincennes and Kaskaskia were complaining of the depredations of the lawless troops of George Rogers Clarke, and of the Indians, by both of which they had been plundered and left in poverty, he was directed to move the greater part of his force to the Wabash country to protect the inhabitants from the lawless banditti.

The following is the arrangement which I have made of the troops, and hope it will meet your approbation:

At the Rapids of the Ohio, Captain Finney, Captain Zeigler, Captain Strong, Captain Mercer, and Captain Smith, with their companies, and Captain Ferguson, with forty artillerymen and a brass three-pounder, making, in the whole, three hundred and twenty-nine men. I shall leave this post to-day or to-morrow, with Major Hamtramck, and shall take the immediate direction and command of this force upon my arrival at the Rapids. I propose to leave written instructions for Major Doughty, upon his arrival, to take command in this quarter. At Venango, Captain Heart is stationed; at Fort McIntosh, Lieutenant Ford; at Wheeling, for the protection of the surveyors, Ensign Spear, with sixty men; at Fort Harmar, Major Doughty, with part of Captain McCurdy's company, and part of Captain Bradford's, which is the remaining part of the regiment.

The ostensible object for assembling the troops at the Rapids, I shall hold out to be a probability of the Indians attacking the settlements there. Indeed, as the Western Indians have never been treated with, and are averse to, the idea of their lands being forfeited from their adherence to the king of Great Britain, I conceive it will require, in marching into their country, a considerable degree of address to conciliate and reconcile them to the movement.

Colonel Harmar to the Secretary of War.

Camp at the Rapids of the Ohio, *June* 15*th*, 1787.

Sir:—I had the honor of addressing you last on the 7th instant. We arrived on the 11th.

Considering the immense expense which the public would sustain by hiring pack-horses, and, indeed, the uncertainty of procuring them, and the delay attending these circumstances have induced me to determine upon going to Post St. Vincent by water. I am making arrangements respecting provisions, and propose taking my cattle in Kentucky boats to the mouth of the Wabash, and shall then order them drove along the margin of the river. Ascending the Wabash and driving the cattle will be attended with some difficulty. This arrangement will be infinitely less expensive than marching by land from hence directly to the Post. Upon a calculation, it would require seventy pack-horses, which could not be hired under half a dollar each per day. I expect Captain Ferguson will arrive about the 20th of the month, and I am in hopes to leave this immediately upon his arrival. When we reach the Post, I shall instantly proceed to carry the orders of Congress into effect. The commissioner's goods are here. As it is more than probable that I shall have frequent conferences with the Indians, I propose taking them along with me, and beg, as the Superentendent of Indian Affairs will be absent, that you will be pleased to authorize me to distribute some of them, in case of necessity.

Judge Symmes, formerly a member of Congress, is here, and has it in contemplation to establish a settlement on the Wabash. I think it my duty to transmit you the inclosed proposals of his, in order that you may be acquainted with his intentions.[1]

You may be assured, Sir, that the advancement of Federal measures shall be my constant object, and I hope for the countenance and support of Congress upon the occasion.

Colonel Harmar to the Secretary of War.

Camp on the Kentucky Shore,
Just below the Rapids, *July 7th*, 1787.

Sir:— . . . As the people are so intimidated by a boat bound for Pittsburgh being fired upon by a party of Indians, near the Great Miami, that they will not, for some time, venture up the river, I had given some of my letters in charge to the owner of this boat, but they were returned to me at the Rapids.

Since my last, I have obtained more full information of the country, and have thought it most advisable, as it will save a vast expense to the public, to make my operations chiefly by water. I have had all my keel-boats repaired, and put in tolerable order, and have run the public to no further expense than about ten dollars, for my Kentucky boats.

Last night I detached Captain Zeigler, with sixty-six men, in eight Kentucky boats, two large keel-boats, one small keel-boat, and two canoes, laden with flour, cattle, whisky, etc., being three months' provisions for three hundred men, with orders to halt at what is called the *landing* and *carrying place*, a few miles on this side of Green River, called in Hutchins's map "Buffalo River." To-morrow morning, early, I shall move with the troops and the remainder of the fleet, and shall overtake Captain Zeigler. I propose to march by land from this carrying place to Post Vincennes; the distance, I am well informed, is no more than fifty miles. The cattle and eighteen horses will be drove along. The flour, baggage, etc., will be under a strong guard, ascend the Wabash River, which, at this season of the year, will be attended with considerable difficulty.

---

[1] The proposals of Judge Symmes, which finally reached Congress later in the season, will be found stated elsewhere. The location was made on the Miami.

I have sent intelligence to Colonel Le Gras and Major Bosseron, the principal inhabitants at the Post, to inform them of this movement. Be pleased to receive the inclosed copy of my letter to these gentlemen.[1]

Captain Ferguson did not arrive until the evening of the 3d instant, in the old contractor's boats, laden with provisions. I placed no dependence on supplies from them, neither did I know of any further engagement of theirs to supply the troops, but immediately upon my arrival at the Rapids,in order to expedite the movement, gave orders to Mr. Bradshaw, the issuing commissary here, to exert himself and furnish the necessary provisions. Having considerable credit in the Kentucky country, he succeeded accordingly, and has drawn bill on the contractors for the flour he furnished.

. . . . .

I have undertaken to enlist for one year four men, with the promise of the same pay and rations, etc., as a regular soldier receives. These men will be extremely useful. The one is a Canadian interpreter, who understands the different dialects of the Wabash Indians. To this man I have promised something extra. The other three are good woodmen, and will serve as expresses to carry dispatches to and from the posts to the Rapids. Two of them are also well acquainted with the navigation of the Wabash River. I trust that this will meet with your approbation, as it is done upon an economical principle, and will certainly be a saving to the public.

Captain Ferguson informs me that he took on board Regan, the fellow who murdered an Indian, with the design to remove him from McIntosh to Muskingum, but, being in irons, he started in his sleep and fell overboard and was drowned below Wheeling. It would have been better to have had him executed in the presence of the Indians.

---

[1] In that letter Colonel Harmar said: "I would wish you, gentlemen, to inform the Indians that the United States wish to live in peace with them, and that they may not be alarmed at this movement; likewise to apprise them of troops being on their way to the post—not a set of villains, but regulars, sent by the Grand Council of the empire, in order to preserve good faith with them, and to protect the legal inhabitants."

I am informed there are a number of British traders on the Wabash, above Post Vincennes. I hope to have the honor of addressing my next letter to you from the Post, when I shall immediately proceed to expel the usurpers of the public lands, and likewise reconnoiter these British traders who are the cause, I believe, of all the Indian disturbances.

I shall deliver but very few of the commissioner's goods, and those not unless there should be an absolute necessity for it, until I receive your sanction for so doing. Eight of the Chickasaw Nation have been with me for this week past. Their business is to have a trade with the Americans. These and the Choctaws have been treated with, and are very friendly with the United States. I have given them eight watch-coats and a few trifles, and shall take them down with me to-morrow as far as we go by water, and there dismiss them with a speech and some small presents to Piamingo, the mountain leader and the Choctaw chief.

I have left an officer with a command of twenty sick and invalids to garrison the fort at the rapids of the Ohio. The chief duty of this officer is to forward any dispatches which may arrive from the war office to me, immediately, at Post Vincennes, by land. Be pleased to order your letters directed to his charge.

BRIGADIER-GENERAL HARMAR TO THE SECRETARY OF WAR.

POST VINCENNES, *August 7th*, 1787.

Sir:—I had the honor of addressing you last on the 7th ult. from camp on the Kentucky shore, just below the Rapids of the Ohio.

On the 6th ultimo, Captain Zeigler, with a party and an adequate number of boats was detached from thence with the provisions. On the 8th, we embarked with the remainder of the fleet, and arrived on the morning of the 10th at the rocks, or the landing and crossing place, called also the Delaware Old Town, about eight miles above Green River, and one hundred and eighty miles below the Rapids. In the afternoon of the same day I detached Major Hamtramck, with a party of one hundred men, to conduct the whole fleet from the landing to the mouth of the Wabash, and then to ascend the river for Post Vincennes. On the morning of the 11th, with the residue of the troops, I took up the inclosed order of march, with our cattle in the center, in very warm weather, and the men being obliged to carry fifteen days' flour upon their backs, rendered it very fatiguing. A due north course from the landing and carrying place would have struck the Post in fifty miles distance from the Ohio, but we were obliged to oblique for the sake of water. On the 16th, we forded the White River (a considerable stream), about fifteen miles below the forks, and arrived at Post Vincennes on the 17th, at noon, the whole march computed to be about seventy miles. From the Ohio, where we set out for the White River, we had a very difficult march, the country being full of thickets and scarce of water, but, afterwards, we marched through fine open woods and large prairies, or natural meadows, and encamped on the banks of the Wabash.

On the 18th, we were visited by Colonel Le Gras, the magistrates and the principal French inhabitants welcoming us upon our arrival. Their behavior was most respectfully submissive. In the afternoon of the same day, finding the Wabash River so low and difficult to ascend, I detached a sergeant and twenty men, in three barges and five pettiaugers, to meet Major Hamtramck and lighten the fleet. Post Vincennes is a very considerable village, situated upon the Wabash, about one hundred and twenty miles from the mouth. It contains near four hundred houses—log and bark—out-houses, barns, etc.; the number of inhabitants, about nine hundred souls, French, and about four hundred souls, Americans. Monsieur Vincennes, the French officer from whom it derives its name, I am informed, was here and commenced the settlement sixty years ago.

On the 20th, I called upon Colonel Le Gras, for a sight of the French grants, and all other papers respecting the original settlers. The papers were produced, but I declined having a translation of them until the arrival of Mr. Bartholemew Tardiveau, a French gentleman who was with Major Hamtramck in the fleet, well acquainted with the inhabitants and the footing they held their land upon. I expected his arrival every day.

Major Hamtramck did not arrive with the boats until the 25th, having been eleven days on very severe, fatiguing duty, ascending the Wabash. He was obliged to leave Ensign Ryker Suydam, with a party, with the clothing, all the whisky, and chief part of the flour at the mouth of the Wabash, the water being so shoal that the boats could not ascend the river. On the 26th, I detached Lieutenant Armstrong, with a party of forty-five fresh men, in several pettiaugers, to join Ensign Suydam, and assist in bringing up the provisions and our new clothing, which was left behind at the mouth of the river.

On the 27th, the resolve of Congress respecting intruders on the public lands, together with my orders, were published in English and French, which amazed the inhabitants exceedingly, particularly those who style themselves Americans. A copy of said resolve and the orders relative thereto I do myself the honor to inclose. On the 28th, eight Piankishaw Indians arrived from the Terre Haute up the Wabash, in consequence of Colonel Le Gras's information to them of the troops coming to the Post. On the 29th, I had a conference with them, and presented them with thirteen strings of wampum, and assured them of the friendly disposition of the United States, and advised them not to listen to what any bad people might say to the contrary. I sent a message by these Indians to all the chiefs of the different tribes on the Wabash, inviting them to assemble here and hear what I had to say to them. These Indians were well pleased; they presented me with a calumet. I gave them some small presents, and they set off on the 31st to deliver my message to the different chiefs. The French inhabitants, at the same time, sent a speech to them, a copy of which I have the honor to inclose.

On the 5th instant, Lieutenant Armstrong and Ensign Suydam arrived with the stores, clothing, etc., from the mouth of the Wabash, after a very fatiguing and dangerous passage. Several parties of Indians were hovering about the Wabash; they waylaid a canoe on the 25th ultimo, which had fallen in the rear, at what is called the long rapid, on board of which were some flour and whisky, private property, belonging to our guide; they killed one of Captain Zeigler's company and a Frenchman, and took prisoner one of the men whom I had enlisted for one year. I informed the Indians of this circumstance, and to tell their chiefs that if they did not desist they would certainly draw upon them the vengeance of the United States. They disavowed in strong terms any knowledge of this murder.

I humbly conceive that the great objects I have to attend to will be to prevent illegal encroachments on the public lands, to secure happiness to the inhabitants, to protect private property from arbitrary invasion, and to remove, if possible, diffidence, fear, and jealousy from the minds of the Indians. To these points I shall lend my attention. I have been busily engaged, with the aid of Mr. Tardiveau, in order to make a discrimination between the lands legally obtained and those that have been encroached upon without sufficient authority. The French inhabitants are about framing an humble petition to Congress, and will, I believe, give up their charter, and trust to Congress for what lands that honorable body may please to grant them. Such American inhabitants as have settled under the French charter are also framing a petition to Congress, praying for relief, and they will be recommended by the French. As there are no intruders out of the village, I shall wait for these petitions, and inclose them to the war office, and, although the first of September is the given period for them to depart, as I can not yet possibly ascertain who are actually intruders, I shall not proceed to expel them until their petitions are sent on and their state determined, and I receive orders from Congress or the war office on the subject. Both parties will appoint Mr. Bartholomew Tardiveau as their agent. He will go on to Congress in the course of next month.

As the Indian chiefs (if they come at all) will not be here in less than a month, I propose to take a subaltern's guard and to proceed to Kaskaskia, in company with Mr. Tardiveau, the next day after to-morrow, in order that I may be enabled to give a statement of affairs in that part of the United States. This movement of the troops will have a peculiar good effect. It will deter several people from Kentucky and other parts from taking up the public lands. A door was opened very fast for intrusions from that quarter. Many of General Clarke's militia, on their march toward the Vermillion town, had cast their eyes on choice lands, and I am informed had made what they called tomahawk rights.

Be pleased to receive the following inclosures, viz:

1. Colonel Le Gras's answer in behalf of the inhabitants at Post Vincennes to Colonel Harmar's letter of the 19th June.[1]

2. The address of the French inhabitants at Post Vincennes to Colonel Harmar.[2]

3. The address of the American inhabitants at Post Vincennes to Colonel Harmar.[3]

---

[1] Referred to in note 1, on page 25.

[2] This related to the land rights which had come to them down from the French government, through the English, and the additions granted by irresponsible officers of Virginia.

[3] The claims of the Americans to lands obtained of Todd and other Virginia officials. In the cession of the western lands made by Virginia, no provision had been made for any American claimant.

4. The recommendations of the French inhabitants to Colonel Harmar in favor of the American inhabitants.[1]

The petitions of both the French and American inhabitants to Congress I have not yet received; they shall be forwarded by Mr. Tardiveau.

I have the honor to acknowledge the receipt of your letter of the 1st June, inclosing the contract of Mr. O'Hara with the Board of Treasury for the supply of troops, etc.[2]

BRIGADIER-GENERAL HARMAR TO THE SECRETARY OF WAR.

FORT HARMAR, *November 24th*, 1787.

Sir:—In my last letter [from Post Vincennes, 7th of August], after having published in French and English the Resolve of Congress respecting the intruders upon the public lands at Post Vincennes, together with my orders relative thereto, and after having sent messages to the several Indian chiefs on the Wabash to assemble at the Post, and hear what I had to say to them, as there was no probability of these chiefs coming in in less than a month, I informed you that it was my intention to employ that time in visiting Kaskaskia, in order that I might be enabled to render a statement of affairs in that part of the United States.

Accordingly, I marched on the 9th of August, from the Post with a subaltern (Ensign McDowell) and thirty men, through the prairies, and arrived at Kaskaskia on the 16th of the same month. Our march was very fatiguing, as the weather was excessively warm and water very bad and scarce on our route. I was accompanied by two Indians—Pachan, a Miami chief, and his comrade, who hunted and supplied the party with meat (Buffalo and deer), both on the march and on our return. These prairies are very extensive natural meadows, covered with long grass. One in particular which we crossed was eight leagues in breadth. They run, in general, North and South, and, like the ocean, as far as the eye can see, the view is terminated by the horizon. Here and there a copse of woods is interspersed. They are free from bush and underwood, and not the least vestige of their ever having been cultivated. The country is excellent for grazing, and abounds in buffalo, deer, bear, etc. It is a matter of speculation to account for the formation of the prairies. The western side of the Wabash is overflown in the spring for several miles.

---

[1] A recommendation for favorable consideration of the claims of the American settlers.

[2] *MS. from files of the State Department.*

On the 17th I was visited by the magistrates and principal inhabitants of Kaskaskia, welcoming us upon our arrival. Baptiste du Coigne, the chief of the Kaskaskia Indians, paid me a visit in the afternoon, and delivered me a speech, expressive of the greatest friendship for the United States, and presented me with one of the calumets, or pipes of peace, which is now sent on. Some of the Pioria Indians likewise visited me. The Kaskaskias, Piorias, Cahokias, and Mitcha tribes compose the Illinois Indians. They are almost extinct at present, not exceeding forty or fifty total. Kaskaskia is a handsome little village, situated on the river of the same name, which empties into the river Mississippi at two leagues distance from it. It is one hundred and five miles up the Mississippi from the mouth of the Ohio. The situation is low and unhealthy, and subject to inundation. The inhabitants are French, and much of the same class as those at Post Vincennes. Their number is one hundred and ninety-one, old and young men.

Having but very little time to spare, I left Ensign McDowell with the party at Kaskaskia, and on the 18th, set out accompanied by Mr. Tardiveau and the gentlemen of the village, for Cahokia. We gained Prairie du Rocher, a small village five leagues distant from Kaskaskia, where we halted for the night. On the 19th we passed through St. Philip, a trifling village three leagues distant from Prairie du Rocher, and dined at La Belle Fontaine, six leagues further. La Belle Fontaine is a small stockade, inhabited altogether by Americans, who have seated themselves there without authority. It is a beautiful situation, fine fertile land, no taxation, and the inhabitants have abundance to live upon. They were exceedingly alarmed when I informed them of their precarious state respecting a title to their possessions, and have now sent on a petition to Congress by Mr. Tardiveau. On the same day we passed another small stockade, Grand Ruisseau, inhabited by the same sort of Americans as those at La Belle Fontaine, and arrived at Cahokia that evening. Cahokia is a village of nearly the same size as that of Kaskaskia, and inhabited by the same kind of people. Their number was two hundred and thirty-nine old men and young. I was received with the greatest hospitality by the inhabitants. There was a decent submission and respect in their behavior. Cahokia is distant from Kaskaskia twenty-two French leagues, which is about fifty miles.

On the 21st, in consequence of an invitation from Monsieur Cruzat, the Spanish commandant at St. Louis, we crossed the Mississippi, and were very politely entertained by him. After dinner we returned to Cahokia. St. Louis (nicknamed *Pancour*), is much the handsomest and genteelest village I have seen on the Mississippi. It is about four miles distant from Cahokia, and five leagues above it, the river Missouri unites with the Mississippi. The inhabitants are of the same sort as before described, excepting that they are more wealthy. About twenty regular Spanish troops are stationed here. On the 22d, I left Cahokia to return to Kaskaskia. Previous to my departure, at the request of the inhabitants, I assembled them, and gave them advice to place their militia upon a more respectable footing than it was, to abide by the decision of their courts, etc., and if there were any turbulent or refractory persons, to put them under guard until Congress should be pleased to order a government for them. Exclusive of the intruders already described, there are about thirty more Americans settled on the rich fertile bottoms on the Mississippi, who are likewise petitioning by this conveyance.

On the 23d, I passed by the ruins of Fort Chartres, which is one league above the Prairie du Rocher, and situate on the Mississippi. It was built of stone, and must have been a considerable fortification formerly, but the part next to the river had been carried away by the floods, and is of no consequence at present. I staid about a quarter of an hour, but had not time to view it minutely, as it was all a thicket within. Several iron pieces of cannon are here at present, and also at the different villages. This evening I returned to Kaskaskia.

On the 24th, Monsieur Peruse, the Spanish commandant at St. Genevieve, sent me an invitation to pay him a visit. We crossed the Mississippi accordingly, were politely entertained, and after dinner returned to Kaskaskia. St. Genevieve (nick named Misere) is a village much inferior in every respect to St. Louis. It is about four miles (including the passage of the Mississippi) distant from Kaskaskia. About eight or ten Spanish troops are stationed there. On the 26th, at the request of the inhabitants (which is inclosed), I assembled them, and gave them advice to regulate their militia, and obey their magistrates etc., until Congress pleased to order a government for them. I have to remark that all these people are entirely unacquainted with what Americans call liberty. Trial by jury, etc., they are strangers to. A commandant with a few troops to give them orders is the best form of government for them; it is what they have been accustomed to.

On the 27th I left Kaskaskia, after having received every mark of respect and attention from the inhabitants, in order to set out for the Post. We marched by a lower route. Several of the French, and the Kaskaskia chief, with his tribe (about ten in number), accompanied us, and we arrived safe at Post Vincennes on the afternoon of the 3d of September. I made the distance by the lower route to be about one hundred and seventy miles.

On the 5th the Piankishaw and Weea Indians arrived at the Post from up the Wabash, to the number of about one hundred and twenty. Every precaution was taken. We had a fortified camp, two redoubts were thrown up on our right and left, and the guard in front intrenched. The troops were all new clothed, and made a truly military appearance. The Indians saluted us by firing several volleys on the Wabash, opposite our camp. Their salute was returned by a party of ours firing several platoons. I was determined to impress upon them as much as possible the majesty of the United States, and at the same time that they were informed that it was the wish of Congress to live in peace and friendship with them, likewise to let them know that if they persisted in being hostile that a body of troops would march to their towns and sweep them off the face of the earth. On the 7th, I invited them to camp, and made the inclosed speech to them. The Indians admired the troops. I believe they had never seen such a sight before. On the 8th, they answered my speech, and, in strong figurative language, expressed their determination to preserve perfect peace and friendship with the United States, as long as the waters flowed, etc. They utterly disavowed any knowledge of the murder that had been committed, and assured me that inquiry should be made for the prisoner. They presented me with a number of calumets and wampum, which I now have the honor of transmitting, inclosed in a rich otter skin; they will be delivered by Mr. Coudre. Mr. Coudre has acted as volunteer for a considerable time in the regiment, and has conducted himself with propriety. If a vacancy should happen in the Connecticut quota, I beg leave to recommend him to your notice.

On the 9th, the young warriors were drinking whisky and dancing before our tents all the morning, to demonstrate their joy. On the 10th, I made them several presents from the commissioner's goods, to no great amount. On the 12th, the chief part of them left the Post for their different villages up the Wabash. They returned highly satisfied with the treatment they received. Indeed, it was a proper tour of fatigue for me. I found it politic to pay the greatest attention to them. They are amazingly fond of whisky, and destroyed a considerable quantity of it. I trust that you may find this conference with the Indians attended with very little expense; I question whether the whole, whisky, provisions, and presents, will cost the public more than one hundred and fifty dollars. Their interpreter is a half Frenchman, and married to a Weea squaw. He has very great influence among them. I judged it necessary to pay extraordinary attention to him.

I have the honor to acknowledge the receipt of several letters from you, which I shall fully answer by the next conveyance, particularly one of the 2d of August, inclosing me a brevet commission of brigadier-general.

After finishing the conference with the Indians, and obtaining the inclosed petitions of the inhabitants of Post Vincennes to Congress, relinquishing their charter, and trusting to the generosity of that honorable body, I judged it expedient to leave a garrison at the Post, as it would have been impolitic, after the parade we had made, to entirely abandon the country. Accordingly, Major Hamtramck commands there. His command consists of Captain Smith's company, fifty-five, and part of Ferguson's company, forty; total, ninety-five. I have ordered him to fortify himself, and to regulate the militia, who are to join him in case of hostilities.

Having arranged all matters to my satisfaction, as we had a long and tiresome voyage before us, I began to think of winter quarters. Accordingly, on the 1st of October I marched by land with the well men of Captains Zeigler's and Strong's companies (total, seventy-one), for the Rapids of the Ohio. I gave orders to Major Wyllys to command the fleet, and to embark for the Rapids the next morning, with the late Captain Finney's and Mercer's companies, and the sick of the other companies, and a brass three-pounder. I omitted mention of my taking into our possession some ordnance and ammunition (public property) at Louisville and at the Post. At the former we got a brass six-pounder with several swivels; at the latter, from Mr. Dalton, two brass three-pounders. I thought it best that the public property should be under our own charge.

We marched along what is called Clarke's Trace, and arrived on the 7th October at the Rapids of the Ohio. I was mistaken, in a former letter, concerning the distance; it is about one hundred and thirty miles. We saw no Indians, nor signs of Indians. From the Falls to the Post the country is in general hilly, and good wheat land. Major Wyllys, with the fleet, arrived at Clarkesville on the 21st. On the 23d and the 24th the men were all employed in dragging the boats over the Falls, a very difficult, fatiguing tour of duty, the more so as the water was remarkably low. On the 28th I left the Falls in the barge for the Muskingum, with orders for Captains Zeigler and Strong, with their companies, to follow the next day. On the 13th November, we arrived at this post. Captain Zeigler arrived here, with the fleet, on the 21st. We were favored with remarkably fine weather ever since we set out from the Post.

The following are among my arrangements for winter quarters: At Venango, Captain Heart's company; at McIntosh, part of Captain Ferguson's company; at Muskingum, Captain Zeigler's, Captain Strong's, Captain McCurdy's, and Captain Bradford's companies; at the Rapids of the Ohio, the late Captain Finney's and Captain Mercer's companies; at Post Vincennes, Captain Smith's and part of Captain Ferguson's companies.

Such a large portion of the regiment being quartered at Muskingum during the winter, will save the public considerable expense with respect to provisions.

The water being so exceedingly low, detained Lieutenant Beatty a long time at Fort Pitt. He did not arrive at this garrison until the 20th instant, at night. We are all happy to find that he has obtained such a just and honorable settlement for the regiment, and we are much indebted to you for having been pleased to lend him every assistance in the business.

The bearer, Mr. Bartholomew Tardiveau, I believe you will find to be a sensible, well-informed gentleman, as well if not better acquainted with the western country (particularly the Illinois) than any one who has ever been from thence to Congress. I beg leave to refer you to him for a minute and particular description of it. There have been some imposters before Congress, particularly one Parker, a whining, canting Methodist, a kind of *would-be-governor*. He is extremely unpopular at Kaskaskia, and despised by the inhabitants.

I am happy to hear of General St. Clair's appointment as Governor of the Western Territory, as it will add to the dignity and consequence of Congress.

You are pleased to ask me intelligence respecting the military lands. From Fort Massac to the mouth of the Ohio, and from thence about twenty miles up the Mississippi, the country overflows, and is by no means habitable.

I shall have the honor of writing to you again in a short time.[1]

---

[1] *MS. From files of State Department.*

BRIGADIER-GENERAL HARMAR TO PRESIDENT ST. CLAIR.

FORT HARMAR, *November* 25, 1787.

My Dear General:—I am happy, very happy, to hear, by Captain Beatty, of your appointment to the government of the Western Territory.[1] Permit me sincerely to congratulate you upon it.

Congress have been pleased to honor me with a brevet commission of Brigadier-General. I should be justly accused of ingratitude was I not to thank my old friend for his friendship and influence upon this occasion. I shall ever hold them in most grateful remembrance.

Mrs. Harmar sends her kind compliments to you. Major Duncan left here yesterday for the Falls.

INSTRUCTIONS TO THE GOVERNOR OF THE TERRITORY OF THE UNITED STATES NORTH-WEST OF THE RIVER OHIO, RELATIVE TO AN INDIAN TREATY IN THE NORTHERN DEPARTMENT.

Sir:—You are carefully to examine into the real temper of the Indian tribes inhabiting the Northern Indian Department of the United States. If you find it hostile, and that the welfare of the frontiers and the settlements forming in that country, demand a treaty, you will then, in conjunction with the Superintendent of Indian Affairs for the Northern Department, unless the attendance of the said Superintendent shall be prevented by any unforseen event, hold as general a one as you can with all the tribes.

---

[1] The old Continental Congress had, on the 13th July, passed an ordinance for the government of the Territory north-west of the river Ohio, and prior to the date of the above letter, elected Arthur St. Clair, President of that body, Governor, Winthrop Sargent, Secretary, and Messrs. Varnum, Parsons and Symmes, Judges. The Congress had also passed an ordinance in effect supplemental to the Ordinance establishing the government, authorizing the Board of Treasury to dispose of the lands north-west of the river Ohio, which had been ceded to the United States by the States of Virginia, New York, Massachusetts and Connecticut. Under this ordinance the Board of Treasury sold to the Ohio Company, organized in New England, of which Dr. Manasseh Cutler, General Rufus Putnam, Major Winthrop Sargent, General Parsons and General Varnum were members, one and a-half millions acres of land on the Muskingum River, and contracted for a much larger tract for private parties on the Ohio, between the mouth of the Kanawha and the Scioto; and later with John Cleves Symmes, of New Jersey, for a million acres on the Ohio, between the two Miamis. For an account of the transactions under the Ordinance, see Vol. I., pp. 116–118; and for the Ordinance and Land Laws, see Appendix, 603–22.

The primary objects of the treaty are, the removing of all causes of controversy, so that peace and harmony may continue between the United States and the Indian tribes, the regulating trade, and settling boundaries. For these purposes, you will do every thing that is right and proper.

The treaties which have been made may be examined, but must not be departed from, unless a change of boundary beneficial to the United States can be obtained.

Although the purchase of the Indian right of soil is not a primary object of holding this treaty, yet you will not neglect any opportunity that may offer of extinguishing the Indian rights to the westward, as far as the river Mississippi.

You may stipulate, that the east and west line ordered to be run by the ordinance of the 20th of May, 1785, shall be the boundary between the United States and the Indian tribes: provided, they stipulate that it shall run throughout unto the river Mississippi. And you may stipulate that any white person going over the said boundary, without a license from the proper officer of the United States, may be treated in such manner as the Indians shall think proper.

You will use every possible endeavor to ascertain who are the real head men and warriors of the several tribes, and who have the greatest influence among them; these men you will attach to the United States, by every means in your power.

Every exertion must be made to defeat all confederations and combinations among the tribes, and to conciliate the white people inhabiting the frontiers towards them.

CHARLES THOMSON, *Secretary*.

BRIGADIER-GENERAL HARMAR TO SECRETARY OF WAR.

FORT HARMAR, *December* 9, 1787.

[Extract.]

After maturely and seriously weighing the matter for calling upon the State of Virginia for one thousand militia to co-operate with the regular troops against the savages (which power Congress has been pleased to invest me with), provided they were generally hostile, there has nothing appeared, in my opinion, to justify me in making the application. It is a mortifying circumstance that, while under the sanction of Federal authority negotiations and treaties are holding with the Indians, that there should be such presumption in the people of Kentucky as to be forming expeditions against them.

Merely for transmitting to you information concerning the population of the western world, I have continued to order the officer of the day to take an account of the people emigrating down the river: From the 1st June to this day, there have passed this garrison, bound for Kentucky, one hundred and forty-six boats, three thousand one hundred and ninety-six souls, one thousand three hundred and eighty-one horses, one hundred and sixty-five wagons, one hundred and seventy-one cattle, two hundred and forty-five sheep, and twenty-four hogs.[1]

BRIGADIER-GENERAL HARMAR TO SECRETARY OF WAR.

FORT HARMAR, *January* 10, 1788.

[Extract.]

Agreeably to your directions, I have sent orders to the officers commanding at the several posts, to put the troops perfectly upon their guard, in order to avoid surprise, as, from the intelligence you have transmitted me, there may be a probability of the Indians confederating under Brant, and committing hostilities. I am in hopes that the general treaty, which the Governor of the Western Territory means to hold in the spring, will pacify the savages and settle all differences.

The information which you are pleased to ask of me respecting the lands reserved to satisfy the claims of the late army, I shall give according to the best of my knowledge. The million of acres, which is to be bounded south by the *Ohio Company Purchase*, I believe will be found to be excellent land; especially if it should take in the lands on the Muskingum and its branches, which I am led to imagine will be the case. From all accounts, the Muskingum River inclines more to the eastward than is laid down in Captain Hutchins's map. If so, the tract reserved for the late army will be very valuable. Having never been personally present at the mouth of the Ohio, it is out of my power to give further information respecting the lands thereabout, than what was rendered in my letter of the 24th November last, viz.:

"From Fort Massac to the mouth of the Ohio, and from thence about twenty miles up the Mississippi, the country overflows, and is by no means habitable."

---

[1] *MS. Files of State Department.*

This information I received from Mr. Tardiveau. The commercial situation, as you justly observe, is fine indeed. It is a great misfortune that it is so subject to inundation. I beg leave to refer you to Mr. Tardiveau for more particular intelligence upon this subject. It is my opinion that a million of acres adjoining the other million on the Muskingum, would take in excellent land, and comprehend a very valuable tract of country.

On the 6th of last month, I wrote to Major Wyllys, at the Rapids of the Ohio, and inclosed him a copy of the inflammatory letter written by Mr. Sullivan to his Excellency the Spanish Minister, and informed him that if the said Sullivan should be found in the Federal territory, I had orders to seize and confine him. It is the universal sentiment of the inhabitants westward of the Alleghany mountains, that they ought to enjoy the free navigation of the Mississippi, but I very much question whether the Kentucky, Cumberland people, and those below, will have the audacity to attempt to seize upon the Natchez and New Orleans. Such an enterprise would certainly be a disgrace to the United States. I know of no cannon and the necessary apparatus which they have in their possession to carry on such an expedition. I shall transmit the duplicate of your letter of the 14th of November, and a copy of Sullivan's letter to Major Brown, to Major Wyllys, as soon as the weather permits, with strict orders to watch closely, and know their designs. I shall likewise give him directions to send an officer and two or three confidential persons to Franklin and Kentucky, under pretense of exploring the country, in order that we may be made acquainted with their intended maneuvers. It appears to me that this matter will not be so serious as is imagined, but rather an evidence of the mutinous disposition of Sullivan and an insignificant banditti. Sullivan was the principal ringleader in the mutiny of the Pennsylvania line during the late war, and it is high time to put an end to his career. If he can be apprehended at Franklin, or out of the Federal territory, I should suppose myself justifiable in giving orders for that purpose.

We have had a remarkable spell of bad weather here since Christmas. The river is now fast bound with ice, and, according to custom, we have only twelve days' meat and flour on hand, through the neglect of the contractors. The men have nearly forty days' whisky due them. As soon as the weather will permit, I shall send Major Wyllys the necessary orders respecting Sullivan and his adherents.

If, from the intelligence I have given you respecting the inundation of the lands at the mouth of the Ohio, it should be judged advisable to fix upon some other tract of country to satisfy the claims of the late army, whenever Congress may be pleased to pitch upon said tract, I shall, agreeably to your directions, station an adequate body of troops in the vicinity thereof, in order that the surveyors may be protected in the execution of this business.

I beg leave to observe that Fort McIntosh is by no means tenable. The small party stationed there I propose to order to Fort Pitt, in order to receive stores, etc.[1]

GOVERNOR ST. CLAIR TO THE SECRETARY OF WAR.

PHILADELPHIA, *January* 27, 1788.

Sir:—It is now near four weeks since I returned from Fort Pitt, and ere this should have waited upon you in person had I not been prevented by a slight indisposition, while the daily expectation of being able to do so made me decline writing.

I saw General Butler at Carlisle, on my way to the westward; but it was on the 12th of December, when I was on the return, before I met with him in that country. The weakness of his leg and sickness in his family had hindered him from proceeding earlier.

The intelligence respecting the disposition of the Indians that I was able to obtain at Fort Pitt was not very satisfactory; indeed, it amounted to little more than that they had been extremely anxious to see some person with authority from the United States to treat with them; that, in that expectation, and in consequence of a request they had made to that purpose, there had been a considerable assembly on the Tawa River, but their expectations not having been fulfilled, it had been concluded to send another message to Congress, and to wait four months for an answer. The deputy for Indian affairs at Fort Pitt had forwarded the message to the superintendent, without taking a copy, so that I had not so perfect an opportunity as I could have wished to judge of its spirit. I have, however, taken measures to be informed of what passed at that meeting, and to get probably at the bottom of their designs, which with them, as well as with more civilized nations, are not always what they profess to be, and about the 1st of March I expect to be possessed of it. From all accounts, however, there is a great deal of uneasiness amongst them, and it is clear to me that, if it can not be removed, a very general war will ensue. Whether that uneasiness can be smoothed, I own, I think doubtful, for though we hear much of the injuries and depredations that are committed by the Indians upon the whites, there is too much reason to believe that at least equal, if not greater injuries are done to the Indians by the frontier settlers, of which we hear very little. It was, nothwithstanding, my decided opinion that the treaty ought to be made, and in that opinion General Butler perfectly coincided, and the falls of the Muskingum is fixed upon for the place of treaty, and invitations have been sent by the superintendent to the different nations to meet us there on the first of May next, a point of time that was supposed to be as early in the season as they could attend at, and a place more equally convenient to them and us than any other they would agree to. It is about seventy miles from the mouth of the river, and navigable for boats to the spot. The mode, I think of for managing the treaty, is this: that the goods be deposited at the fort at the mouth of the river, while General Butler and myself meet the Indians at the falls. Should the business come to a favorable issue, they can easily be brought up and distributed. If it does not come to a favorable issue, they are in safety.

---

[1] *MS. Files State Department.*

I have great reason to expect that the meeting will be very numerous, and it is, therefore, to be regretted that the finances of the United States would not permit a more liberal appropriation of money, more especially as the objects are very important in many points of view, and that they are frequently receiving very great presents from the British—last autumn six thousand pounds sterling in money, under the idea of a compensation for losses sustained by them in the late war, and goods to an equal value were distributed among them by that nation, and, notwithstanding the advice they received from Lord Dorchester to remain at peace with the United States, there can be but little doubt that the jealousies they entertain, and the uneasiness which agitate them, are fermented by the agents of that crown.

It was a great disappointment that I could not avail myself of the liberty you were pleased to grant to open any letters from General Harmar to you which I might meet on the way. The intelligence they must have contained would have determined me as to the necessity of inviting the nations upon the Wabash. I saw at Fort Pitt Lieutenant Smith, who had been with General Harmar in that country, but could get nothing from him that was satisfactory, and therefore concluded that it would be proper to invite them, and they have accordingly been invited; their distant situation, however, renders it probable that they will not come in numbers.

On the whole, sir, it appears to me, from every view I could take of this subject, and every information that I have been able to obtain, that the proposed establishments in the country north-west of the Ohio, and the further sale of lands there for the discharge of the public debt, depends entirely on a solid peace with the Indians. To effect that no pains will be spared on my part; yet after all that can be done, unless the inhabitants of the States that border upon them can be restrained from acts of violence and injustice towards them, it can never be of long continuance. A general Indian war, while it would involve thousands in the most extreme distress, would be attended with such an expense as our present situation would render highly unadvisable.

BRIGADIER-GENERAL HARMAR TO SECRETARY OF WAR.

FORT HARMAR, *March* 9, 1788.

Mr. David Zeisberger, missionary to the Moravian Indians, has written to me, requesting an exchange of corn at McIntosh for an equivalent in powder, linen, etc., which request I shall grant, as we are in want of corn for the public horses. The distance those Indians are from McIntosh prevents them bringing it from thence.

On the 14th ultimo, I received a message from Captain Pipe, the chief of the Delawares, who was hunting about fifty miles from hence up the Muskingum, with thirty or forty of his nation. I answered his message, and on the 28th detached Ensign McDowell, with a party of a sergeant and fifteen privates, to view his situation, and sent him a message and a string of wampum. The messages are inclosed. On the 5th instant, Ensign McDowell, with his party, returned, after having been treated with the utmost friendship and hospitality by the Indians at their hunting encampments. Yesterday, old Captain Pipe, with seven of his young men, arrived at the garrison, and are now with me. Their object is to dispose of their skins to the contractors. He is a manly old fellow, and much more of a gentleman than the generality of these frontier people.[1]

---

[1] *MS. Files of State Department.*

GOVERNOR ST. CLAIR TO SECRETARY OF WAR.

NEW YORK, *March* 14, 1788.

Sir:—In the letter I had the honor to address to you on the 27th of January last, I mentioned that I had taken measures to obtain more satisfactory intelligence of what had passed at the meeting of the Indians on the Tawa or Miami River last fall than I had been able to meet with at Fort Pitt.

A few days ago I received by General Butler a letter from the person sent out for that purpose, who returned to Fort Pitt on the 30th of January, which I now inclose, that you may lay the information it contains before Congress. It is, indeed, not very important, but it seems to confirm the sentiment that, if a general Indian war is to be avoided, some accommodation with these people must take place, and may perhaps induce Congress to make some alteration in the instructions under which the Superintendent of Indian Affairs and myself are to act at the proposed treaty.

The severity of the winter prevented the invitation to the different nations from being sent so early as was intended, which will probably prevent their attending at the time that had been fixed upon, viz., the 1st day of May. The goods, however, are sent forward, and I shall be in readiness to attend to it at that time, unless from the answers that may be received from them it may be necessary to delay it to a more distant period.

GOVERNOR ST. CLAIR TO THE BOARD OF TREASURY.

NEW YORK, *March*, 1788.

Gentlemen:—I have the honor to return to you, inclosed, the warrant upon the State of Pennsylvania for one thousand dollars, for some of the purposes of the Indian treaty, which you were pleased to furnish me with. Immediately on my arrival in Philadelphia, I presented it to the receiver of Continental taxes there, who informed me that if the Treasurer of the State would make the payment he would instantly do what was necessary on his part. I made application to the Treasurer, who said he could pay no money on any accounts without the orders of the Executive Council; and, at any rate, he could not pay one farthing in specie, nor could he devise any means of procuring specie, other than that the Council should empower him to sell as much paper as would raise the sum mentioned in the warrant. I then addressed the Council, and stated to them, as an inducement for their compliance, the very great interest the State had in the event of the proposed treaty with the Indians; they would do nothing in the matter, but, as the Assembly were to meet in a few days, desired *that I would not return* the warrant then, and that my letter to them should be laid before the House. That was done, and a committee, to whom it was referred, reported that they could devise no means for the payment, which report was adopted.

As that money is absolutely necessary—indeed, the business can not go on without it—I have to request that the Board will please to furnish it in some other way; every thing else that is necessary has been procured and sent forward to Fort Pitt.

BRIGADIER-GENERAL HARMAR TO SECRETARY OF WAR.

FORT PITT, *April* 26, 1788.

Sir:—I am now upon my tour to Venango, and shall ascend the Alleghany to-morrow, in order to visit Captain Heart's post.

Nicholson, the interpreter and messenger, who resides at this place, returned from Sandusky on the 17th instant. His intelligence is, that the Indians will be late in assembling to the treaty, and that it is their determination to insist, peremptorily, on the Ohio River as the boundary. I do not think that full faith and credit is to be given to his intelligence.

On the 7th ultimo, Ensign Spear was detached to the Rapids of the Ohio, in order to bring up the remainder of the Commissioner's goods from thence, and to lodge them at Muskingum, ready for the treaty. His orders were, not to exceed the 25th May in returning. He had, also, permission to proceed to Post Vincennes.

My calculation is, that upon my return from Venango, which will be about the 10th of May, that the Governor of the Western Territory and the superintendent may probably arrive at this post, and that I shall have the honor of accompanying them in the barge to Muskingum.[1] I shall make a halt for the purpose, unless some unforeseen event should take place.

---

[1] In a letter dated June 15, I find this paragraph:

"On the 23d May, General St. Clair arrived at Fort Pitt, but, as the Indians will be late assembling to the treaty, and, as he has some private affairs to attend to at Ligonier, he thought proper to return there, and informed me that he should be at Fort Pitt about the 25th of this month; it was, therefore, inconvenient for me to wait so long a time for his return. I left Fort Pitt

I left at Muskingum Captain Pipe, with about seventy men, women and children of the Wyandot and Delaware nations, perfectly contented, and trading very peaceably with the contractors.

GENERAL HARMAR TO THE SECRETARY OF WAR.

[Extract.] FORT HARMAR, *June* 15, 1788.

I had the honor of addressing you last on the 26th of April from Fort Pitt, since which I have to acknowledge the receipt ot your letters of the 11th and 21st of April.

On the 27th of April, I left Fort Pitt in the barge, and, after six days extreme hard labor in ascending the rapid river Alleghany, arrived at Captain Heart's works, on French Creek.

Captain Heart, with his small command, has done an immense deal of work there. His garrison was found to be in excellent order. There are a number of the Seneca and Monsy tribes continually in his neighborhood, who conduct themselves very peace-

---

in the afternoon of the 28th May, and the next night arrived at this post. Major Doughty now proceeds in the barge, and will have the honor to receive the Governor and accompany him down. On the 13th instant, a large boat of the contractor's, laden with provisions for the treaty, set out from hence for the falls of the Muskingum; it is absolutely necessary they should be expeditious in their movements, as the Muskingum River will soon be so low that it will be impossible for loaded boats to ascend it. Agreeably to the Governor's request, I have granted an escort of a sub-sergeant, corporal, and twenty privates, for this boat-load of provisions, and have given the officer orders to build a council-room for the savages at the falls of the Muskingum."

Respecting the million of acres reserved by Congress, at the mouth of the Ohio, for the bounty lands of the Continental army, General Harmar said he had received from Major Wyllys interesting and favorable information. General Clarke, who had himself traveled through the country, pronounced it excellent. "Major Hamtramck prefers the lands on the Illinois River, or the Wabash; but I believe the intelligence transmitted by Major Wyllys is to be depended upon, and would, therefore, give it as my opinion, that we should not hesitate to accept the lands described in the resolve of Congress, beginning at the mouth of Ohio, etc. The surveying of this tract, however, must necessarily be deferred until the result of the grand treaty is known and the temper of the savages perfectly ascertained."

"From the 9th of December to this day, three hundred and eight boats, six thousand three hundred and twenty souls, two thousand eight hundred and twenty-four horses, five hundred and fifteen cows, six hundred sheep, nine hogs, and one hundred and fifty wagons, have passed this garrison, bound for Limestone and the rapids. The emigration is almost incredible."

ably. Indeed, I know of no officer who manages the Indians better than Captain Heart. The Senecas in particular place great confidence in him; he is a great favorite among them.

After strongly impressing him with the necessity of the utmost vigilance at his post in order to guard against surprise, as he is out of all manner of support, and, therefore, must depend upon nothing for his security but his own alertness and attention, I left him on the morning of the 4th of May, and the same evening returned to Fort Pitt. The distance by water I suppose to be about one hundred and sixty miles; by land, about eighty.

There is no sort of comparison between the Ohio and the Alleghany Rivers as to the current, the latter being so much more rapid than the the former. The country on both sides of the river, from Fort Pitt to French Creek, is very rugged and mountainous.

I have the honor to inclose you a map of the country from Venango to Lake Erie.

GOVERNOR ST. CLAIR TO THE SECRETARY OF WAR.

WESTMORELAND, *June* 23, 1788.

Sir:—The meeting of the Indians has been delayed (by themselves), much longer than was expected; it is now probable they will be assembled about the beginning of the next month. This week, I propose to set out for the place appointed, and I take the opportunity, by General Irvine, to inclose the originals of my last message, received in answer to the invitations on the part of the commissioners, and of a letter from the messengers. I have not time to copy them without detaining him too long.

It would seem that they got to Sandusky at a favorable moment, and so great a number prepared for war being stopped and turned back, I take as a favorable omen; at the same time, that preparation, together with the parties that are doing mischief along the river, proves that the resolution mentioned in a former message was very generally taken, and that we have been, if we are not still on the eve of a very general war. I hope, however, it may be prevented. But I must wish for fresh instructions.

GENERAL BUTLER TO GOVERNOR ST. CLAIR.

PITTSBURGH, *July* 1, 1788.

Dear Sir:—I made a short tour to the woods last week and met the inclosed from the messengers, since which I have seen some Indians from the upper Sandusky and other places. The accounts all agree that the Indians had not yet met at the council which they mean to have among themselves previous to meeting with us, which, of course, makes the time uncertain, though I believe they generally intend it. They are a little confused, and I suspect, *on good grounds*, that pains is taken to keep them so, whatever appearances and declarations are made to the contrary. Mr. Duncan has gone to the ground. I am told the Pipe and his people are gone from their town to him.

Major Doughty is here with the barge, and wishes your arrival much, in case you design to take this opportunity, if not, he wishes to go down and send it up again. Indeed, I expect there will be but little hope of the Indians being collected before next month. There have been some alarming accounts brought in by Girty and some other persons who were present, but their report is positively contradicted by two Seneca men who left the Sandusky since they did. I hope Mrs. St. Clair and the children are well. I will be glad to hear when you think of coming up.

GENERAL KNOX TO GOVERNOR ST. CLAIR.

WAR OFFICE, *July* 3, 1788.

Sir:—I have the honor to acknowledge the receipt of your favor of the 11th of May on the 20th of June.

I now inclose a resolve of Congress of the 2d instant for appropriating a further sum of twenty thousand dollars to the department under your direction on the principles therein specified.

I also inclose you the instructions of Congress for the appropriation of the same.

As these papers are of the highest importance for you to possess as soon as possible, I shall transmit them by the post to Philadelphia, and direct Mr. Hodgdon to forward them to you with all possible expedition by express.

It may not be improper for me to intimate to you the anxiety of Congress to hear from you in the present state of affairs, and of the dependence they place on your abilities and that of the superintendent for quieting all disturbances among the Indians.

I feel great satisfaction that Congress has been pleased to make this further appropriation, as I hope it will be the means of accomplishing effectually the public expectations.

GOVERNOR ST. CLAIR TO SECRETARY OF WAR.

PITTSBURGH, *July* 5, 1788.

Sir:—Since I had the honor to drop you a hasty line by General Irvine, with the latest intelligence then from the Indian country, General Butler has received a letter from the persons sent to invite the Indians, dated the 14th of June, a copy of which I now inclose.[1]

It is not a little extraordinary that a meeting which was desired with so much earnestness by the savages should be attended with so great delay on their part after being consented to by Congress. I suspect, indeed, that the concession has a little embarrassed them. They had probably been led to believe that their request would not be complied with, and were determined on war, and, though that is an event some of the nations, particularly the Wyandots and part of the Delawares, would wish to prevent, it is certainly ardently desired by many others, and I am far from being sanguine in the hope that the commissioners will have it in their power to prevent it.

The Western tribes have been so successful in their depredations on the Ohio River, their settlements are so distant, and their country so difficult, they imagine themselves perfectly safe, and as by these incursions they gratify at once their passions of avarice and revenge and their desire for spirituous liquors, every boat carrying more or less of that commodity, few of them may be expected to attend; nor are they to be much depended on should they attend generally. At this time, however, even a hollow peace, if better can not be secured, is very much to be wished. The confusion that seems to prevail amongst the different tribes might, possibly, be kept from an open rupture, if the United States had proper persons amongst them, or if any of the nations had much confidence in us; but neither of these is the case, nor do I think it ever will be the case. Our settlements are extending themselves so fast on every quarter where they can be extended; our pretensions to the country they inhabit have been made known to them in so unequivocal a manner, and the consequences are so certain and so dreadful to them, that there is little probability of there ever being any cordiality between us.

---

[1] The information was to the effect that the Indians now proposed to hold a conference among themselves in the vicinity of the Miami of the Lake, and that the Five Nations had been invited to participate. This indicated long delays. As the western Indians had sent word to Congress asking for a treaty, General St. Clair expresses surprise at the new turn of affairs.

The idea of being ultimately obliged to abandon their country rankles in their minds, and our British neighbors, at the same time that they deny the cession of the country made by them, suffer them not to forget for a moment the claim that is founded upon it. Any opportunity that may present itself, either to sow the seeds of discord among them, or to cultivate a good understanding with them, will be embraced if it can be done without committing the United States. There is another reason why the Indians have been so tardy and undecided about their meeting, which has been supplied by the government of New York. It may not be very proper for me to animadvert on the conduct of that or any government, but it was surely very improper to call the Six Nations to a meeting in that State, and, as I have understood, for State purposes, at the very time they had been called to a different part of the country for general purposes, and in which that State, as a member of the United States, was equally concerned; and no meeting is of much consequence without these nations. It has distracted them very much; they complain of it, and say "they are called here and they are called there." One says, "Here is the great council fire, and to this you must come;" another tells them, "there is the great council fire and there they must go;" and a third tells them it is lighted up in a third place (that I understand is the land company that has been formed in that State to take leases of them), and they know not what to do, or whom to believe. They feel themselves like drunken men, reeling from side to side, and unable to fix themselves anywhere; and as they are naturally, I had liked to have said not altogether unjustly, jealous of us, it has at this time increased that natural jealousy. It seems, however, they are now on their way, and may be expected ere long. I have had the provisions at the place appointed for a considerable time, with a small party to take care of them, and a person to speak with any parties that might arrive; but these increase the expenses.

To-morrow I shall set out myself, but shall not go farther than the Muskingum settlement until the Six Nations arrive, and shall take every opportunity to inform you of every occurrence. But I can not conclude this without expressing a wish that we were better prepared against hostilities, which it is the general sentiment will certainly happen, and which, though I do not think them inevitable, are but too likely to take place.

GOVERNOR ST. CLAIR TO THE SECRETARY OF WAR.

FORT HARMAR, *July* 13, 1788.

Sir:—In the letter I did myself the honor to write on the 5th instant from Fort Pitt, I mentioned that the provisions procured for the Indians at the intended treaty had been sent to the place upon the Muskingum where the meeting was appointed, and that General Harmar had furnished a small party to take care of them. This day, George Washington, a Delaware, arrived here, an express from the officer who commands the party, with an account that, the morning before, he had been attacked by a party of Indians; that he had one man killed, two badly wounded, and several missing; those missing he concluded to be either made prisoners or attempting to make their way to this post; one of them is since come in. A negro servant of Mr. Duncan's was also killed and scalped. The Indians were repulsed, and one of them left dead on the spot. Their attack, however, was a very spirited one, for they rushed between the guard and some huts that had been thrown up to cover the men and provisions, armed with spears chiefly.

Nine Delawares, with their women and children, came to the party about two hours after the attack. They expressed the greatest concern at the affair, protested their being utterly ignorant of it and said the dead Indian was a Tawa, which is not improbable, as it seems the party had come down the Muskingum in bark canoes, some of which were found not far above the post.

It is impossible to determine whether this affair has been the mere wanton act of some predatory party, uncountenanced by the nation they belong to; whether it may have been committed by the direction of the nation to embarrass the councils, and obstruct a general peace, to which it is said that nation are much opposed; or whether it ought to be considered as an act of general hostility. In any of these cases, however, I judged it improper to let the provisions remain where they were any longer. Should the nations be resolved on war, and this be the first effect of that resolution, it will be soon followed by others of a more serious nature. In this uncertainty, to have desired the party to be strengthened, I thought it would be improper, and what General Harmar might well refuse. To let the provisions remain with the present guard, might be throwing both into the hands of the savages. After such an insult, to meet the Indians at that place, should they be inclined to come, I thought inconsistent with the dignity of the United States. Taking all circumstances into view, and not depending altogether upon my own opinion, though alone responsible, with the advice of Judge Parsons and Judge Varnum and General Putnam, I sent some boats up to bring the provisions away, and requested General Harmar to withdraw the party. In a few days the whole will be here. In order, however, that I might be able in some degree to develop the intentions of the savages, and to give them an opportunity to offer some satisfaction, if they were inclined to do it, I have sent a speech to the chiefs of all the nations that are now met in council at the Detroit or at the Tawa River, I am not certain which of the places, accompanied by one to the Wyandots at Sandusky, copies of which are inclosed.

If they mean to be at peace with the United States, they will at least make an apology for what has happened. Should they be hesitating or divided, then something like a threat at the same time a desire for peace, if declared, may increase the division. If war is actually determined on, it can do no harm, and, even in that case, may do some good. The messenger will probably draw forth a reply that may produce another from me; perhaps another from them again, and some time will be gained. Should they disavow the act, and offer any reparation consistent with the honor of the United States, and that not strained very high, for I am well aware how embarrassing a war would be, and how ruinous to the frontier people, I shall accept it, and invite them either to this place or to any other of the posts they may prefer. But this affair has so much shaken my opinion of their regard to national faith, I should not be over-fond to meet them quite unprotected, which it was my intention to have done.

I hope, sir, Congress may not think the tone of my message too high. To remonstrate was become absolutely necessary, and then I thought it best to remonstrate against the whole of their improper conduct than a part only, and to do it in such terms as I thought might make some impression upon them.

General Butler to Governor St. Clair.

Pittsburgh, *July* 14*th*, 1788.

Dear Sir:—Originals, of which the inclosed are copies, came to hand yesterday by Mr. Isaac Williams, Jun., who informs me there are about eighty chiefs of different tribes met at the Detroit River, and are waiting the arrival of Colonel Brant and the chiefs of the Five Nations with anxiety. From the accounts brought me by a

Seneca man, on the 8th instant, I fear they are prevailed on by the messengers from the State of New York[1] *to attend their call*, as he says they were actually on their way to Muskingum, but were turned back by them, and I think it appears probable, as there had no account of them arrived at Detroit from the 15th to the 30th June, though then hourly expected, as per Mr. Wilson and Rinkin's letter. What will be the result of such perplexed business among themselves is hard to judge, though I still expect and hope a meeting will take place. As to my attendance with you at the treaty, it will entirely depend on accounts from the Secretary of War, which I shortly expect. Be that as it will, this you may depend upon; I will use every endeavor to forward it while I remain here. As I do not expect any of the party mentioned in Mr. Wilson's letter this way, it might be improper to alarm the country at this critical juncture (harvest, etc.), and, as to sending a party to meet or intercept them, you are the best judge. I have this day got Guiosota and the *Big-tree* or *Stiff-knee* to set off for Muskingum, to assist the Pipe, *who I hear is there* to protect Mr. Duncan and the people at that place. Be so kind as to present me, respectfully, to Generals Parsons, Harmar, Putnam, and the other gentlemen with you.

GOVERNOR ST. CLAIR TO GENERAL BUTLER.

FORT HARMAR, *July 15th*, 1788.

Dear Sir:—I have this moment been favored with yours of yesterday. The intelligence contained in the inclosure has proved too true, for on the 12th the party at the falls of Muskingum were attacked a little after sunrise. Two men, one of these Mr. Duncan's servant, were killed, two were dangerously wounded, and several missing. One Indian was killed upon the spot, and, from the manner in which they went off, it was supposed several were wounded. The man killed, the Delawares, some of whom arrived about two hours after the attack, with their women and children, say was a Tawa, and there is little doubt of this being the party the Wyandots inform you of.

Immediately on hearing of this misfortune, I ordered the provisions to be brought back to this place, and sent a trusty Indian to the Wyandot towns with a speech for the nations assembled either at the Tawa or at Detroit River, and another to the Wyandots, requesting them to forward that for the assembled nations. Copies of these I have inclosed. Lest any accident should have befallen the man I have sent out, I wish you would find an opportunity to send another copy. It would have been very desirable upon this occasion to have had your advice, but the matter appeared to me not to admit of the delay that would have been required to obtain it. I was, therefore, obliged to act upon my own ideas. To have met the Indians at the falls, after such an instance of perfidy, would not have been very prudent, personally considered, but to have met them at all, after such an indignity to the United States, seemed to me altogether improper, unless they should formally disavow all knowledge of it, and either offer reparation or endeavor to explain it away; the last I expect they will do, and I think the tenor of my message will give them an opportunity. It will strike you, perhaps, as an impropriety that the message is in my name only as commissioner to treat with the Indians. Had you given me the least hint that you would probably be at the treaty, or had any expectation from the Secretary of War, or any other quarter, of your being in a proper situation to attend it, that had not been the case; and I assure you it will give me much pleasure, should it yet take place, but, from the conversation I last had with you on the subject, I had no reason to believe you intended it, or that you had such an expectation.

---

[1] That is, Brant, the chief of the Mohawks, and head of the Six Nations. Brant was endeavoring to form an Indian confederacy to resist the Americans.

I dare say the affair at the falls has been much exaggerated in common report, and I fear it will occasion great uneasiness in the settlements. I could wish it was so told in such a manner, through the medium of the Pittsburgh paper, as to prevent the alarm being too great, without removing all idea of serious consequences. In truth, I think the consequences very doubtful, and the alternative of peace or war hangs so nearly in equilibrium that no man can tell which side of the balance will kick the beam.

GOVERNOR ST. CLAIR'S ADDRESS AT MARIETTA.

From the Ordinance for the establishment of civil government in this quarter, that has been just now read,[1] you have a proof, gentlemen, of the attention of Congress to the welfare of the citizens of the United States, how remote soever their situation may be.

---

[1] "On Wednesday, the 9th of July, 1788, his Excellency arrived at Fort Harmar, and on the 15th was published the Ordinance of the honorable Congress for the Government of the Territory, the commissions of the Governor, the honorable Judges, Samuel Holdên Parsons, James Mitchell Var-

A good government, well administered, is the first of blessings to a people. Every thing desirable in life is thereby secured to them, and from the operation of wholesome and equal laws the passions of men are restrained within due bounds; their actions receive a proper direction; the virtues are cultivated, and the beautiful fabric of civilized life is reared and brought to perfection.

The executive part of the administration of this government has been intrusted to me, and I am truly sensible of the importance of the trust, and how much depends upon the due execution of it to you, gentlemen, over whom it is to be immediately exercised, to your posterity—perhaps to the whole community of America. Would to God I were more equal to the discharge of it! But my best endeavors shall not be wanting to fulfill the desire and the expectations of Congress that you may find yourselves happy under it; which is the surest way for me, at once, to meet their approbation, and to render it honorable to myself. Nor when I reflect upon the characters of the men under whose immediate influence and example this particular settlement, which will probably give a tone to all that may succeed it, will be formed, have I much reason to fear a disappointment—men who duly weigh the importance to society of a strict attention to the duties of religion and morality, in whose bosoms the love of liberty and of order is a master passion; who respect the rights of mankind, and have sacrificed much to support them, and who are no strangers to the decencies and to the elegancies of polished life. I esteem it also a singular happiness to you and to me that the gentlemen appointed to the judicial department are of such distinguished characters, and so well known to you. On the one side, the respect which is due to their station is secured, while, on the other, it will be yielded with the most perfect good-will.

You will observe, gentlemen, that the system which has been formed for this country, and is now to take effect, is temporary only, suited to your infant situation, and to continue no longer than that state of infancy shall last. During that period, the judges, with my assistance, are to select from the codes of the mother States such

---

num, and the Secretary's, after which his Excellency addressed the people assembled at Marietta, as follows."—From the *Journal of the Proceedings of his Excellency, Arthur St. Clair, Governor and Commander-in-Chief of the Territory of the United States North-west of the River Ohio,*" kept by Winthrop Sargent, Secretary.

laws as may be thought proper for you. This is a very important part of our duty, and will be attended to with the greatest care. But Congress have not intrusted this great business wholly to our prudence or discretion; and here again you have a fresh proof of their paternal attention. We are bound to report to them all laws which shall be introduced, and they have reserved to themselves the power of annulling them, so that if any law not proper in itself, or not suited to your circumstances, either from our not seeing the whole extent of its operation, or any other circumstance should be imposed, it will be immediately repealed. But with all the care and attention to your interest and happiness that can be taken, you have many difficulties to struggle with. The subduing a new country, notwithstanding its natural advantages, is alone an arduous task, a task, however, that patience and perseverance will surmount, and these virtues, so necessary in every situation, but peculiarly so in yours, you must resolve to exercise. Neither is the reducing a country from a state of nature to a state of civilization so irksome as it may appear from a slight or superficial view; even very sensible pleasures attend it; the gradual progress of improvement fills the mind with delectable ideas; vast forests converted into arable fields, and cities rising in places which were lately the habitations of wild beasts, give a pleasure something like that attendant on creation; if we can form an idea of it, the imagination is ravished, and a taste communicated of even the "joy of God to see a happy world."

The advantages, however, are not merely imaginary; situated, as you are, in the most temperate climate, favored with the most fertile soil, surrounded by the noblest and most beautiful rivers, every portion of labor will meet its due reward. But you have upon your frontiers numbers of savages, and, too often, hostile nations. Against them it is necessary that you should be guarded, and the measures that may be thought proper for that end, though they may a little interrupt your usual pursuits, I am certain will be cheerfully submitted to. One mode, however, I will at this time venture to recommend, which, as it is in every point of view the easiest and most eligible, so I am persuaded it will be attended with much success. Endeavor to cultivate a good understanding with the natives, without much familiarity; treat them on all occasions with kindness, and the strictest regard to justice; run not into their customs and habits, which is but too frequent with those who settle near them, but endeavor to induce them to adopt yours. Prevent, by every means, that dreadful reproach, perhaps too justly brought by them against all the white people they have yet been acquainted with, that, professing the most holy and benevolent religion, they are uninfluenced by its dictates and regardless of its precepts. Such a conduct will produce on their part the utmost confidence; they will soon become sensible of the superior advantages of a state of civilization; they will gradually lose their present manner, and a way be opened for introducing amongst them the gospel of peace, and you be the happy instruments, in the hands of Providence, of bringing forward that time which will surely arrive, "when all the nations of the earth shall become the kingdom of Jesus Christ."

The present situation of the country calls for attention in various places, and will necessarily induce frequent absence, both of the judges and myself, from this delightful spot; but at all times and places, as it is my indispensable duty, so it is very much my desire, to do every thing within the compass of my power for the peace, good order, and perfect establishment of the settlement; and, as I look for not only a cheerful acquiescence in, and submission to necessary measures, but a cordial co-operation, so I flatter myself my well-meant endeavors will be accepted in the spirit in which they are rendered, and our satisfaction will be mutual and complete.[1]

---

[1] At the conclusion of the Governor's address, which had been listened to with deep interest, General Rufus Putnam congratulated him on his safe arrival in a few appropriate remarks, and the following formal address was presented on behalf of the citizens:

REPLY OF THE CITIZENS OF MARIETTA.

May it please your Excellency:—The people of this settlement, to whom you have been pleased to make known the Constitution, your own commission, those of the judges, and that of the Secretary, beg leave to approach you with the warmest affection and sincerest regard. If unreserved confidence in the talents, abilities, and paternal friendship of your Excellency can add to our felicity; if an almost enthusiastic ardor impelled us to form this settlement; if our efforts can succeed only under a wise government, equally and impartially administered; and if bowing the knee to Heaven in humble thankfulness that your Excellency in particular hath been appointed to preside over it, can increase your satisfaction, then indeed are we mutually happy.

The Constitution [Ordinance] itself we consider as the result of a wise and most benevolent policy; and we look up with veneration to the fathers of their country, whose care and attention follow us wherever we go; but the Constitution is now the more dear to us, as we behold your Excellency, removing all our doubts and fears of your safe arrival, and mildly paving the way to regularity, order, and harmony. We can form some idea of the arduous task imposed upon the government of so extensive a country as the Western Territory; but, whatever dangers may intervene, whatever difficulties may oppose the progress of your noble and beneficent designs, we

GOVERNOR ST. CLAIR TO THE SECRETARY OF WAR.

FORT HARMAR, *July 16th*, 1788.

Sir:—I had the pleasure to receive this morning your letters of the 3d and 4th instant, together with the additional instructions of Congress on the subject of the Indian treaty.

From mine to you on the 13th instant (a duplicate of which, with the messages to the Indians, is inclosed), you will find that business has, at present, rather an unfavorable aspect. I am not, however, without hopes that it may be brought to issue in peace, being persuaded that it is the wish of the nations which, from their situations, can do us most harm, at the same time that they are most acceptable to us. I think, sir, that a good deal of time may elapse before the great event of peace or war is decided upon, so long, at least, as that I may be fully informed of the sentiments of Congress upon what has happened, and whether the steps I have taken meet their approbation.

Embarrassing as an Indian war would be, I would wish, from that motive, if there were no others, to take every proper means to prevent it; but it is with nations as well as with individuals, the tamely submitting to one injury usually invites a greater, and where the national honor or interest is concerned, I believe some embarrassments ought to be overlooked; so far, however, as I am the depository of either, I conceive I should be highly culpable not to maintain

---

will, as far as in our power, share in the burdens, alleviate your cares, and, upon all occasions, render a full obedience to the government and the laws.

We are fully persuaded, with your Excellency, "that all the nations of the earth will become the kingdom of Jesus Christ." And we exult in the firm belief that the great purpose of Heaven, in perfecting human reason, and attracting all mankind to the standard of one divine control, will be accomplished in this new world. We are equally ravished with the thought that the great Governor of the universe hath raised up your Excellency, as an instrument to open the way to this transcendently glorious event, and that in this life you will anticipate the joys of Paradise.

Great sir: we pray that Heaven may grant to you, both in your public character and private life, all the felicity that can meet your expectations, or warmest desires. May you long enjoy the tranquillity of a mind influenced by the principles of rectitude only. May the cold hand of death never arrest you until you shall have accomplished all the objects which a great and good man can embrace; and then, when life shall lose her charms, when nature shall begin to sink beneath the weight of mortality, and when the mind, impatient to be free, shall burst the brittle shell which holds it here, may you rise triumphant on cherub's wings, to enjoy your God in realms of endless felicity!

or defend them, unless I had express orders to the contrary, and that the lines of departure were pretty distinctly marked.

I am very sensibly affected, sir, by this fresh mark of the confidence of Congress in trusting to my disposal the further sum of twenty thousand dollars. I may venture to assure you that not one penny of it will be called for, unless the objects in view can be obtained; but it would be wrong in me, whilst the contrary is my opinion, and I believe not ill grounded, to let an expectation that they will be attained gain ground.

The west line, pointed out in the original instructions, which I was at liberty to stipulate for as a boundary, would not, I believe, be agreed to without much difficulty, because between that line, the Ohio and Mississippi, the principal hunting grounds are contained, and it is the residence of some of the nations not very well disposed towards the United States. When I say the principal hunting grounds, I mean those that abound in deer, the species of game most essential to the Indians. To extend the boundary northward to the completion of the forty-first degree would include the whole of it, as well as a great part of the country where the Wyandots reside, and what was reserved to the Shawanese and Delawares. Now, sir, there is not the least probability that these countries will be given up at this time for any consideration that can be offered, and I believe that if, contrary to my expectations, they should consent to make formal conveyances of that country, unless they are determined to abandon it altogether, which is not likely, they will never consider themselves as bound by them, so that, instead of establishing a solid and permanent peace, a foundation may probably be laid for irreconcilable hatred and wasting wars, and the money be thrown away into the bargain.

These are my opinions. I offer them with great deference, but I hold it my duty to offer them, and notwithstanding I will leave nothing undone within my power to accomplish the wishes of Congress.

I have also inclosed copies of letters from Wilson, the messenger, and Khun, a Wyandot chief, to Colonel William Butler, transmitted to me by General Butler, and received since I sat down to write. Khun seems well disposed, and I have reason to think that tribe is generally so. The Half-King, who is now dead, was the greatest enemy we had amongst them.

As the post is now established to Pittsburgh, the communication from this part of the country will be easier, and I shall not fail to give you information of every thing that turns up by every opportunity from hence.

GOVERNOR ST. CLAIR TO M. GARDOQUI, SPANISH MINISTER.

FORT HARMAR, *July* 16, 1788.

It was not without the most sensible concern that I learned the misfortune of New Orleans. The destruction of so many houses must have reduced great numbers to the most distressed situation, and it would have given me great pleasure to have had it in my power to have contributed to their relief, which I should certainly have done to the utmost if I had reached the Mississippi, but I am retarded in my progress that way by the proposed meeting with the Indians at Muskingum, which has not yet taken place. As soon as that is over, I shall go down, and if any thing in that country will be useful, either to the immediate comfort of the unhappy settlers or the re-establishment of the city, your Excellency has but to mention it.

I had flattered myself with the expectation of a line from you on the subject I took the liberty to mention before I left New York. A few thousand barrels of flour I could easily send were I certain that it would not be exposed to seizure as being contrary to regulations established, and after the terrible misfortune the inhabitants have met with, and the price being ascertained, if it were agreeable, it might be paid for at New York on the receipts being produced to you. If you will please to give me your sentiments on this head and your permission, if you approve of it, you will very much oblige me; for, though no man would less wish for a deviation from established rules than myself, a time of public calamity I take to be without them, and it may be the commencement of a friendly intercourse between the particulars of two nations, whose general interest I think it is to be upon the most friendly terms.[1]

---

[1] The following is the reply of the Spanish Minister:

NEW YORK, *August* 9, 1788.

My Dear General:—The very moment that the news of the fire of New Orleans reached me, I thought of your former hints, and set immediately to inquire about your place of residence, with a view to write you upon the very subject you have favored me with by your esteemed favor of the 16th ultimo; but, unfortunately, I was informed that every body conceived that you must be at that time busy in the Indian country, executing your commission, and of course I could not imagine that you would be able to provide what we both could have wished.

On another hand, the vessel that brought me the news had had a long voyage, and the want was so pressing as to oblige me to dispatch a vessel directly from this port. Soon after, half a dozen more sailed from Philadelphia, and

GENERAL BUTLER TO GOVERNOR ST. CLAIR.

PITTSBURGH, *July 18th*, 1788.

Dear Sir:—Since my last, have no news of any kind to communicate, but the following copy of a letter which I this day received by express from Colonel Joseph Brant;[1] and, by the same express, an

---

if credit is given to speculators, we find that the Havana, Vera Cruz, and several of the islands have poured in such quantities of flour and other articles that they have entirely glutted up the market for more than can be consumed in a year.

Such being the case, I would not advise you to send any, as you would, of course, lose the whole; but I daily look out for direct advices from that government, which will enable me to judge with certainty if there is any encouragement. You may depend on my immediate advice and proper pass, fully assured that the mode of payment shall be agreed upon to mutual satisfaction, either there or here.

I am doubly disappointed to find that you have not been at the place imagined, and that you have met with such disagreeable troubles and obstacles, but still hope that you will succeed to bring the red gentry to peaceable terms, and crown your commission with a good treaty.

I sincerely thank you for your readiness to embrace every opportunity of promoting the good of both our nations, and you may rest assured of my reciprocity in any instance that may occur. In the meantime, permit me to repeat my sincere wishes for your success, and the unfeigned sentiments of real attachment and esteem with which I am, dear sir,

Your most obedient and very humble servant,

JAMES GARDOQUI.

His Excellency, Arthur St. Clair.

[1] Following is the letter of Brant referred to:

BUFFALO CREEK, July 8, 1788.

Sir:—I am desired by the sachems and warriors of the Five Nations[1] to notify you that they received your invitation to attend a Council at Tuscarawas, dated 23d December last, which was answered some time ago, informing you that they were preparing to meet you; since which the land-jobbers from New York and Massachusetts have arrived here in order to purchase some lands, which has been a tedious business, and taken more time and attention than we expected. However, the matter is at last mutually settled, and we are preparing to meet your council, and shall be able to write you from the Miami River what time you may expect to see us; meantime, we hope you to exercise patience, and not think the time long, as it is a business of importance, which we mean to consider seriously, and hope to settle to

---

(1) It will be noted that Brant writes as the head of the Five Nations—his own having removed to Canada.

account that Captain O'Beal, with his people, will be here in a few days, on their way to Muskingum, and that Brant and the chiefs are expected to leave Niagara for Detroit or the Miami this day, by all which you will conclude it will be some time before the treaty can commence. As Nicholson is and will be useful here until the Indians begin to collect, I believe it best not to send him to you sooner than he will be useful there, and the expense will increase, of course, if he goes sooner.

GOVERNOR ST. CLAIR TO JUDGES PARSONS AND VARNUM

FORT HARMAR, *July* 18*th*, 1788.

Gentlemen:—I have looked over the proposed law for establishing the militia, and I have some objections to it in its present form, which I shall take the liberty to detail. In the title-page it ought not to be styled the "Militia Law of the United States." If these words, "United States," were expunged, the title would be well enough. The enacting clauses should not begin with the word, "That," after declaration, that the inhabitants are liable to military duty, and that they shall perform it. The formation should, in my opinion, follow, and the manner of their being armed and accoutered be postponed, and form the matter of another clause. The word, "effective," seems to me, also, too indefinite. It is a duty, I believe, should be extended to all male inhabitants, from the performance of which they are to be excused occasionally, only as circumstances may require.

To introduce the matter of classes properly, which is an idea I approve of, as an attention to the feelings of men who have rendered essential services in very honorable stations to their country; it might run in this way, immmediately after the general declaration above mentioned: "The male inhabitants, between the ages aforesaid, shall be divided into two classes, to be called the senior and junior classes of the militia;" then proceed to the formation of the companies, battalions, and regiments, as far as respects numbers.

---

mutual statisfaction. I am happy at the idea of meeting you personally, to bring about this long-wished-for business.[2]

I am, sir, with respect, your most obedient and
Very humble servant,
JOSEPH BRANT.

Richard Butler.

---

(2) From this it would appear that not only were the Five Nations to attend the treaty, but Brant fully expected to be present himself.

Instead of saying that these divisions respectively shall be commanded by certain officers, I believe it would be better to say that there shall be appointed to each company, battalion, and regiment, certain officers, and provision should be made for new appointments in case of death or dismission from service, and the causes of dismission should be detailed. This will bring courts-martial into view, the nature of the offenses to be submitted to their cognizance, the punishments, and the mode of proceeding.

Would it not be better that each battalion were supplied with a major instead of an aid being given to the colonel? The majors are naturally his aids, as the adjutants are theirs and his also. It appears, also, to be unnecessary to declare that a brigade shall be commanded by a brigadier. I have no power to appoint such an officer. A case may arise where it may be necessary to form a brigade of militia, where there may be no such officer as a brigadier in the territory; neither do I see the necessity for appointing the numerous staff. Whenever they become necessary they will of course be appointed, without their being enumerated in the law, being clearly within the powers of the Governor. I do not exactly conceive what is meant by the declaration "that the senior class shall act separately from the junior." If it is not intended that they should be detailed together, it is worthy of consideration whether that regulation would well apply to the present circumstances.

Instead of leaving the times and places for disciplining and inspecting the militia to be directed by the Governor, I believe it would be better that the times should be fixed by law, leaving the places to the colonel of each regiment, where a regiment is to be drawn together, and to the captains, where a company only, until such times as brigadiers may be appointed; reserving to them the power, and making it their duty, to draw together the brigade at certain times only, and such as may not be burdensome; whenever the Governor may think review necessary, it is incidental to his office, I believe, to order it.

Provision should be made for the immediate enrollment of all persons as they arrive: query, whether exemptions are not too general?

Some definite punishments should be affixed for contraventions of this law, and the mode of ascertaining these contraventions distinctly pointed out; also, in what cases absence from duty may be admitted, and the nature of the excuses; and some provision made that persons conscientiously scrupulous against bearing arms may make compensation to the community for not rendering their personal services, by the payment of money. All moneys that may accrue from fines might be applied to forming a fund to provide a small magazine.

I submit these observations with great deference, gentlemen. You will probably think some of them worthy of consideration. One thing, however, in the adopting our laws, we must ever attend to, that their operations can not be applied to a single district or settlement, but must extend over the whole Territory.

GOVERNOR ST. CLAIR TO THE SECRETARY OF WAR.

FORT HARMAR, *July 22d*, 1788.

Sir:—Since mine of the 16th, the party which was at the falls of the Muskingum, have returned to this place and brought the provisions with them. A party of Chippawas came into that station a day or two after the affair there. Their behavior gave the officer reason to believe that they had ill intentions, and both he and Mr. Duncan (the person who furnished the provisions, and who was there for the delivery of it) were of opinion that they had been engaged in the outrage, and were positive as to one of them, whom they actually saw kill one of the soldiers; he, therefore, thought it proper to make them prisoners. They are now here, six in number, and in close confinement.

Another circumstance which corroborated the opinion of their having been concerned, was one of the soldiers' cartridge-boxes having been found in their possession. When questioned about it they prevaricated. A woman of theirs pretended to have found it in the woods, and appealed to a Delaware, who she said was with her when she found it. The Delaware woman contradicted her; she had, indeed, been with her in the woods, but not when she found the cartridge-box.

There is no further intelligence from the Indian country. It will be yet six or eight days before my messenger will return, but I have some reason to expect the Pipe, with a number of Delawares, sooner. Should they bring any thing worthy of communication, I will write you immediately.

BRIGADIER-GENERAL HARMAR TO SECRETARY OF WAR.

[Extract.] FORT HARMAR, *July 23d*, 1788.

The great treaty will be deferred for some time. At the request of the Governor, I ordered a subaltern, sergeant, corporal and twenty privates as an escort for the provisions, and to build a council-room for the savages, at the falls of the Muskingum. Regardless of all faith and honor, a party of the Ottawas and Chippeways attacked this party on the morning of the 12th instant, and killed two; one is missing, and two wounded, one very badly. The loss of the Indians was two killed on the spot, one wounded and six taken prisoners, who are now in confinement, and under heavy irons at this garrison. I sincerely hope that the new government will soon begin to operate, in order that we may be enabled to sweep these perfidious villains off the face of the earth.

In consequence of this treacherous proceeding, the Governor and myself were both of opinion that the party and provisions should be removed to this post; accordingly the officer returned on the morning of the 20th.

The Governor has sent a spirited message to the different nations who are assembled and counciling at the Tawa or Omi River, demanding satisfaction for the gross insult offered to the United States. An answer to this message may be expected in the course of ten or twelve days.[1]

GENERAL ST. CLAIR TO JUDGES PARSONS AND VARNUM.

FORT HARMAR, *July 29th*, 1788.

Gentlemen:—I have attentively perused the law[2] relating to estates held in common, which you have been pleased to present me, but I have not been able to discover any benefit that would result to

---

[1] *MS. Files of Congress.* The Indians were active and murderous. As Captain Spear was ascending the Ohio with the goods to be used at the treaty at Muskingum, his boats were fired upon, and two men were wounded, one of them fatally.

[2] The law proposed by the Judges, upon which the above comments were made, was as follows:

When application shall be made to a Judge or Justice of the Peace within the Territory, by the owners of one-tenth part of any common estate within the same, to call a meeting of the proprietors of such common estate, it shall be the duty of such Judge or Justice of the Peace to issue his warrant to some suitable person by him appointed to notify a meeting of the pro-society from the adoption of it. It appears, indeed, to me, on the contrary, to be unfit for the Territory in its present circumstances; to be, in some measure, at variance with the spirit of the Ordinance of Congress; to want that power of general application which all general laws should possess, and that by designing men it might be perverted to sanction sinister purposes.

It appears unfit for the Territory in its present circumstances; because no newspaper pervades it, or could pervade it within the time proposed for continuing the advertisement; yet persons who are to be affected by it may live at each extremity of the Territory, or of the United States.

Were the advertisements to be inserted, for example, in the Kentucky or Pittsburgh *Gazettes*, it is not very probable that persons residing in Georgia or New Hampshire would see them in due time; yet persons materially interested may reside in either or both these States. Were the advertisements, on the other hand, to be inserted in the papers of these States, which might be very proper in one view, it is not probable that the information would be extended through this Territory.

The general words, "transact all matters as shall concern their common estate," are of too indefinite a signification, and may be liable to very arbitrary construction, and it is to be remembered that laws are not always to be decided upon by the same men, who at the time of enacting them generally have annexed to the words they use an appropriate sense.

It is true the business to be transacted at proprietors' meetings is required to be specified; but there is no express restriction that they should meddle with nothing else. I imagine the proprietors met would think themselves justified, under the general words, to act upon any thing else that had respect to the common property.

Proceedings which are to be clothed with the force of legal obligation upon all the proprietors, which I conceive to be the design of

---

prietors of such common and undivided estate at such time and place as he shall appoint therein, specifying the matters to be transacted at such meeting; and an advertisement continued three weeks successively in the newspapers most convenient to give information to the proprietors, notifying the time and place of meeting, and the business to be transacted, shall be sufficient service of such warrant, and the proprietors met at a time and place notified as aforesaid, shall have right, by vote of the major part of the proprietors present or shares represented, to transact such matters as shall concern their common estate, provided that the proprietors of such common estate may, at a meeting notified as is before provided, agree in any other mode of calling and notifying their meetings.

the law, should not be left so very loose; besides, it might so happen that a majority of the proprietors met might be a single person.

If the business requires the solemnity of a judge or justice's warrant, it must be to ground some further legal proceedings upon; these should be specified, and not left to deduction or implication. The proviso would give an undue advantage to resident proprietors over those who are not resident, for it is most probable that the first meeting would be composed of those who are residents only, and it is proposed to give them power to appoint future meetings in any other mode they may agree upon, and as the proceedings are to have all the legal force of those held in the manner prescribed by law, a very improper use might be made of them to burden the proportions of non-residents and ease their own. In this view, the law is at variance with the spirit of the compact with the original States declared in the Ordinance. If any benefit would accrue to the owners of the estates in common by this law, it ought to extend to all; but it will not reach any where such estate is not held by more than ten persons; an estate, however, may be held in common by any number of persons above one. Where a law creates a benefit, or removes an inconvenience, it should extend, or be capable of being extended to every case of the same nature; where it neither creates a benefit nor removes an inconvenience, or in a partial manner only, it is either nugatory or mischievous. If the Ohio Company has been in contemplation, the law, I think, would not reach their case, and if it did, it would be an improper legislative interference. By their articles of association, the proprietors seem to have put the management of their affairs entirely out of their own hands so long as the property is held in common; they have appointed agents to manage them for them, have provided for the continuation of those agents, and have given them power to appoint another set of officers under the name of directors. The agents are responsible to the individuals that they shall receive a just dividend of the common property, and have, I suppose, given bonds accordingly, and the directors to them for the performance of certain specified duties. These are fundamental stipulations, and can not be departed from, in my judgment, but by common consent. Were the mode of transacting their business to be altered by law, it must, I conceive, go to annulling the obligations of those bonds. If one individual only were opposed to it, the interference of the Legislature would be improper; if every individual were content to make an alteration, it would be unnecessary. Was the company even incorporated, which, it seems, was designed, all their proceedings must be guided by, and be in conformity to, the original articles, to have any validity. Upon the application of the whole of the proprietors, a law specially regulating their property, in order to rescue it from the caprice of individuals, might, with propriety, be made; but whether the present Legislature of the Territory would be competent, may well admit of doubt. They have power to adopt laws only.

I am extremely sorry to differ in sentiments from you, gentlemen, upon any point; but in those where your professional knowledge and experience give you so decided a superiority over me, I can not but doubt exceedingly my own judgment. I have, however, weighed the operation of this law as carefully as I could, and the result has been that I can not give my assent to it.

GOVERNOR ST. CLAIR TO JUDGES PARSONS AND VARNUM.

FORT HARMAR, *July 30th*, 1788.

Gentlemen:—The establishment of probate offices in the Territory is a matter that requires the most deliberate consideration, as the whole property of the people is eventually involved in their being duly executed. The powers and duties of the officers should be defined with the greatest precision, and, in my opinion, their jurisdiction laid under some limitations and restrictions, which the law you have been pleased to frame does not contain, whilst, in one instance, if I have rightly understood it, it is confined too much—I mean—in limiting the jurisdiction to the counties respectively.

When you reflect, gentlemen, that the power of appointment is wholly in the Governor, the necessity of defining the powers and duties of the officers will appear in a striking light, for it is not impossible, from a variety of causes, that it may not always fall upon the persons who are best qualified to discharge them, and that, from existing circumstances, few of the officers will be possessed of legal knowledge. I think it will, therefore, be necessary that the judges should give bond for the due execution of the office and the delivery of the records undefaced to their successors; that in some office or other these bonds should be entered of record—perhaps, in the prothonotary or clerk of the common pleas for the counties, should it be thought proper to establish such a judiciary; that they should provide seals, the devices to be the same as such county, but distinguished by the label or inscription; that in deciding upon caveats against, or objections to the proving of wills, they should call to their assistance two justices of common pleas, as also in taking final accounts and making distributions; that an appeal be given from their sentence to the judges; that they take bonds from administrators according to a certain form; that persons to whom administration may be granted and the order of them be pointed out; that there should be some regulations respecting nuncupative wills; that letters of administration without bond be void, and the judges granting them liable to damages; that it should be declared that wills made and duly proved, where letters of administration, with the will annexed, shall be granted and certified in any of the United States, shall be sufficient to pass estates without new proof there; that letters of administration granted in one county shall be valid in all others where the intestate had property.

I am of opinion that these, and, no doubt, others which will occur to you, are proper for the regulation of the office, and necessary for the ease and safety of the people, and that for several reasons, which will present themselves to you, they should be detailed in the law establishing the office. But you will pardon me, gentlemen, for mentioning one more. I suspect we are overpassing the line of our duty in forming new laws in any case; and when we do, the necessity of the case only can be our justification. The Ordinance of Congress empowers us to adopt and publish such laws of the original States, criminal and civil, as may be necessary and best suited to the circumstances of the district. In departing from that rule, we certainly expose ourselves to censure from Congress, and besides, there may be some doubt of the validity of such laws as we adopt and publish under any other; and it may not be unworthy your consideration whether, upon such an exception being taken before you in your judicial capacity, you would not be obliged to decide against the law, and declare it a nullity.

I agree to the militia law fully, under the impression of these sentiments, because the necessity of self-defense must supersede other considerations.

In the Code of Pennsylvania, under the titles Register of Wills, Intestates' Estates, and Orphans' Courts, there are many excellent regulations; by striking out such parts as do not apply to the circumstances of the district, and adopting the rest, I believe we might publish a very excellent law upon the case before us that would be within our powers. One thing more in the law I have been considering. It appears a little incongruous that the writs to be issued by the judge of probate for carrying his sentence into execution should be returned into the Court of Quarter-Sessions.

The Court of Probate is a court of record, and the proper depository of every thing relative to the proceedings in it.

I have taken the liberty to send you the Pennsylvania volume that you may examine the laws referred to above, if you should think proper, at your leisure. You will find them in the folios 30 to 33, and 70 to 73.

JUDGES PARSONS AND VARNUM TO GOVERNOR ST. CLAIR.

MARIETTA, 31st *July*, 1788.

Sir:—We have received the letter which your Excellency did us the honor to write to us of yesterday's date. The many important observations it contains have received from us all the attention of which, under the present circumstances, we are capable.—Three questions of serious magnitude seem to be presented for consideration:

Whether in the adoption and publication of laws, we were *literally* confined to the laws of the old States?

Whether in the forming or transcribing of laws we should connect, with general subjects, all the particulars that may have relation to those general subjects?

And, how far the particulars suggested respecting a probate law should have influence?

The Ordinance of Congress empowers us to adopt such laws of the original States, criminal and civil, as may be necessary, and best suited to the circumstances of the district. Admitting a strict and literal construction should be given to this clause, the purposes of the Ordinance in general would be defeated. In the settlement of a new colony, and, indeed, we may add, of a new world, a variety of prospects and objects arise, to which old countries must be strangers. Perhaps in their infancy their laws might have been suited to our situation, making allowance, however, for the progress of civil society; but the original States have revised their laws, and conformed their present codes to their present situation. Hence, it will be found that it would be out of our power to make the absolutely necessary regulations for protecting the persons and securing the property of the natives, and for preventing those unwarrantable intercourses, which might perpetuate their jealousies instead of conciliating their affections. There are ties, connections and subordinations in the nature of a colonial government, which did not exist in sovereign States. Laws must be applied to these, or the very existence of the government may be endangered.

We are sensible these observations rather tend to evince what the *powers should* have been than what they *are*. But we conclude they could not have escaped the notice of so wise a body of men as the framers of the Ordinance. If the clause in question admits of different constructions, we ought to adopt that which will best promote the purposes of the settlement. It was made *pro bono publico*, and therefore ought to be liberally expounded. We think it will admit of two constructions. One, that we can adopt entire laws of any of the old States *literatim et verbatim, mutatis et mutandis* for their State only. The other that we may admit such *parts* of any particular law as will be necessary, etc. If so, why will it not admit of another construction, that we may adopt a law, consisting of different parts of laws of any two or more States upon the same subject? And if this be granted, surely the diction ought to be rendered uniform. The intention, sir, of the legislature in framing a statute or ordinance will greatly assist us in the legal construction.

The intention of Congress was undoubtedly to give every possible kind of encouragement to the growth and prosperity of the colony here, that it might rise into a State or States, and take an equal station in the general confederacy. To this end there must be laws, and laws conformable to the Constitution of the United States, and consistent with republican principles. These precautions were necessary during the temporary government, to prevent the adoption of laws that might support the principles of a monarchy, and, in the end, cause a separation between the old and new countries.

We presume, therefore, with great deference to your Excellency's opinion, that the following is the legal construction of the Ordinance: To adopt such laws as may be necessary and best suited to the circumstances of the district; provided, however, that such laws be not repugnant, but as conformable as may be to those of the original States, or of some one or more of them. This construction, it is true, admits the exercise of a legal discretion. But the exercise is checked by the tenures of our commissions, the necessity that the governor and two of the judges, or that all the judges, must agree, and the final negative of Congress. If this construction be not admitted, we feel ourselves involved in difficulties that may prove insurmountable. For a time, we must confine our legal operations to the principles of the Constitution, and the common law only. For to extract from the laws of some of the States, and not to have the power of extracting from the laws of all of them, would confine us to narrow bounds. Nor, in our apprehension, upon the literal construction, would *necessity* justify, or even *excuse* us in publishing a law not conformable, in all its parts, to some law of an original

State. Necessity may, in law contemplation, excuse an act which otherwise would be unlawful. But such act, so to be excused, must result from individual exertion upon a pressing and inevitable occasion, or from the intervention of the executive branch of government under similar circumstances. Then the maxim might apply, "*Necessitas non habet ligem.*"

But, admitting the position, that necessity may justify the adoption of a law not within the literal construction of the Ordinance, then it goes to all cases; for the adopters and publishers can have the only legal power of judging of the necessity, and as their judgment may extend to all cases, they might enter into the principles of despotism. Were we to be confined for any length of time to the principles of common law, we are fearful of very precarious consequences. The common law, as adopted in the States, while colonies, entered essentially into the principles of monarchical government, and therefore can not, with propriety, be applied here. But upon the present view of the subject, the common law must be applied, or the actions of men be left to the direction of natural licentiousness. There are many cases of evident utility to which the common law doth not extend. The cases of last wills and testaments; intestacies in cases of personal property, and all the consequent distributions of estates. Neither do we conceive that the matter can be varied by Congress, by a new ordinance, or by a declaratory act. As to the first, the Constitution must be considered in the light of a compact between the United States and all the settlers. Without the express consent, therefore, of both parties, it can not be altered, and, as to the second, a declaratory act can not vary the legal construction of a pre-existing law. Nor, indeed, can we perceive how it can be applied at all in the case of charters or national compacts.

When your Excellency shall have made up your mind upon this part of the subject, we will enter into a discussion upon the second question; and as that may be decided, animadversions may, or may not become proper upon the third.

We are fully impressed with the delicacy of your Excellency's situation, and are not unmindful of our own. We should be unhappy indeed to subject ourselves, in matters of such importance, to the censure of the sovereign power, but as our opinion in this instance results from legal information, so far as we possess it, we feel ourselves, as law judges, above the reach of reprehension. Our gratification will be great indeed, if by conference, or otherwise, we can, with your Excellency, surmount the present embarrassment. Our duty, as well as our warmest personal attachments, prompts us to concur, in every practicable legal measure, to promote the public good, and render to your Excellency entire satisfaction.

GOVERNOR ST. CLAIR TO JUDGES PARSONS AND VARNUM.

FORT HARMAR, *August* 1, 1788.

Gentlemen:—I have received the letter of yesterday's date which you did me the honor to write. If your honors will inform me of the precise meaning you affix to the word "law," as expressed in the clause of the Ordinance of Congress, referred to in your letter, I shall be better able to explain my sentiments upon the different matters you have opened, which I shall do with the utmost freedom, but not to each other, which is a kind of correspondence that could not be agreeable to either.[1]

GOVERNOR ST. CLAIR TO JUDGES PARSONS AND VARNUM.

FORT HARMAR, *August* 7, 1788.

Gentlemen:—I was in hopes that my being informed of the precise meaning you had affixed to the word laws, as used in the Ordinance of Congress, which empowers the Governor and judges to adopt and publish such of those of the original States as may be necessary and suited to the circumstances of the district, and, as it is used in your letter of the 31st of July, would have thrown some light upon that letter and shortened the answer I should be obliged to make to it. I must have been very unfortunate in the manner in which I expressed my wish to know what that meaning was; for the word in the Ordinance is clearly distinguished from the codes or bodies of laws of the original States, indefinitely as they refer, in their general nature and spirit, to the vast variety of subjects about which they are conversant. I can not find how this explanation applies. I will not, however, trouble you any further about it, but proceed to reply to the letter.

I observe you say it is one of the questions arising out of mine of the 30th, whether, in forming and transcribing laws, we should connect with general subjects all the particulars that may have relation to these general subjects. Another is, how far the particulars suggested respecting the probate law may have influence with you, gentlemen, I know not; they have very great with me.

---

[1] The reply of the judges, dated August 2d, was:

"The ideas, sir, that we have adopted are that by *law* is meant the legal codes or systems of the original States, in their general nature and spirit, indefinitely as they refer to the vast variety of subjects about which they are conversant."

In forming laws on general subjects, it may be difficult to connect all the particulars that may have relation to those general subjects. So far, however, as it is possible to recollect all the particulars, it should be done; and these particulars be inserted in and become parts of the same law; and after all the attention legislators can pay to the particulars, it will almost always be found, when the laws are put in operation, that many things have been omitted, and consequently must be supplied, and frequently from their taking a different direction from what was expected and designed, explained. Forming and transcribing laws I take to be two very different things. In transcribing laws (which expression, to give it meaning here, must be referred to the laws of some of the original States that may be thought proper to be adopted), I presume we must take them as we find them, so far as they apply to our circumstances. There is another circumstance besides which influences me not a little. It was hinted at only, and distantly; it may now be proper to mention it expressly.

When I have bound myself by law to the execution of an office, unless the powers and duties of that office are detailed in the law, a difference of opinion respecting those duties and powers may arise, and I run the risk of being obliged to be guided entirely by the rules of common law, should it be an office known to the common law; or if it is not known to the common law, by rules that I may think impose either too much or too little restraint. To this risk I am not willing, nor is it proper, to expose myself, because I should thereby lose the control which I think the Ordinance has given me in all cases. Here, again, I am afraid I have the misfortune to differ in opinion with your honors; for, from another part of your letter, it seems to be your opinion that, where three of the judges agree in adopting and publishing a law, it will acquire the requisite validity without the consent of the Governor. The passage in the Ordinance is in these words: "The Governor and judges, or a majority of them, shall adopt and publish," etc.

It is true the punctuation would favor the construction you seem inclined to put upon it; but I believe it is not the true sense, and that Congress intended the assent of the Governor should be necessary to all laws adopted during the existence of the stage of the temporary government, as well as to all laws formed by the General Assembly after it shall have been organized. I conceive, gentlemen, Congress thought there would be an impropriety in leaving the adoption of laws by which the people of the district were for a time to be governed solely to the persons who were to expound them; much greater, however, would that impropriety be if the clause of the Ordinance goes not only to adoption, but to the formation of laws. The judges would in that case be complete legislators, which is the very definition of tyranny; and though that arrangement might in your hands, gentlemen, produce no evils, no man can tell how long this stage of the government will last, or who may be your successors; nor could it fail to produce much uneasiness in the minds of the people over whom so, possibly, oppressive an authority was established.

Your honors, in another part of your letter, have supplied a proviso to the Ordinance to elucidate the meaning of this clause in another point of view. Permit me to suggest one in the present. The Governor and the judges, or a majority of them, provided the Governor be one of that majority, shall, etc.

With this proviso I believe we shall have the true construction, and also the legal; for, if I mistake not, it is a legal rule of construction to give every part of an instrument such an explanation that one uniform sense may result. The assent of the Governor to laws formed by the Assembly is made unequivocally necessary. The reasons are at least equally strong why it should be necessary to those adopted by the judges. But without the proviso, only change the place of a single comma, and the same effect is produced; and it is not improbable that it may have been misplaced in transcribing the Ordinance. That "people in a new country have some different prospects and objects from those who inhabit an old one," is certainly true; but how the change of objects can affect the regulations that are necessary for preventing crimes and protecting property, I own I can not conceive. As to the natives, they are generally under the protection of the law of nations; but in the codes of more than one (of one I am certain) of the States, excellent laws may be found for "preventing unwarrantable intercourse," for "securing to them their property," and for "conciliating their affections." Though these laws, from a change of circumstances, may have gone into disuse, they have not, I believe, undergone a formal repeal, and, consequently, lie open for our use should the liberal construction of the clause prevail.

I acknowledge that I do not perfectly understand what is meant by the "Ties, connections and subordinations" that are said to exist in colonial governments, and to which laws must be applied. I do not take these "ties," etc., whatever they are, to be at all the objects of laws; "the existence of government might indeed be endangered."

No law which would have a tendency to weaken or destroy the ties, connections and subordinations of this district in the United States could, consistent with our duty, be either formed or adopted, and laws that might have an express and declared purpose to strengthen those ties would, in effect, weaken them, because they rest upon a different foundation, which every such law would tend to sap. It is unsafe ground, and ought not to be traveled upon. I presume not to say "what the powers ought to have been." As they are, and as I understand them, they seem calculated to answer all the purposes the "framers of the Ordinance" could have had in view—to provide for the safety and happiness of the people who might remove into this country, and to protect their property until they should be sufficiently numerous to legislate for themselves; and to preserve them in a due dependence upon the general government.

I agree with you, gentlemen, that the clause in question, and every other clause in the Ordinance, should receive a liberal construction, wherever they are in the least doubtful; and, as it in some measure partakes of the nature of a charter, is to be expounded favorably to the grantees; but it is one thing to construe a grant liberally, and another to add to the grant by construction that was never in the contemplation of the grantor; and this is precisely what I think would follow should your opinion on the clause be thought the best. That we may adopt entire "laws of any of the old States," if we think they suit our circumstances, there can be no doubt, for that is the genuine and liberal construction of the clause. That we may adopt "such parts of any particular law" as may be necessary, is within the spirit of it. That we may make a law (for here the word "adopt" will not serve us) consisting of the different parts of laws of different States, and change the diction, I believe we have no power to do. I can not discover the least difference between this and legislating originally, which, so far from permitting us to do, in my opinion, it was the design of Congress to prevent.

I am certain, gentlemen, that Congress had the best and kindest intentions towards the Colony, and, for that very reason, directed us to laws the usefulness of which had been stamped by experience, and to prevent the introduction of laws that might not be "conformable to the Constitution of the United States, or inconsistent with republican principles;" or that might support the principles of a monarchy, they would not suffer us to make new ones.

I am sensible, gentlemen, that I run a risk of exposing myself to ridicule in opposing my opinions to yours in matters of "legal construction." It is a subject your thoughts must have been much exercised upon, and have had much experience in the application of the rules that govern it; but my plain reason, unenlightened by legal niceties and distinctions, tells me that, where I have no option given me to take one or both of two things, no construction that can be given to the words giving that option, will justify me in rejecting both, and insisting upon a third. Our using the word adopt would not mend the matter; the existence of things adopted is supposed in the very term; and, by no rule whatever, can the act of calling into existence be made convertible with adoption, which is only another word for choice, or election. I hope you will excuse me, gentlemen, if I can not comprehend what is meant by "our legal operations being confined to the principles of the Constitution and common law only." I assure you my difficulties are not affected. The common law of England, when it has not been altered by statute previously to the late Revolution, or by laws of the Colonies before that period, or by laws of the States since, is, if I mistake not, the common law of the land. Where the common law was altered by statutes, and those statutes adopted in the Colonies, they become, so far, the law, and where these have not been abrogated by laws in the States, since the Revolution, they continue to be the law; for I believe the common and statute laws in England in use in the States at the Revolution, and those that were formed conformable to our new situation, to have been declared in the States still in fo[illegible], in some of them I am certain it was the case. If, then, amongst all the laws of all the States, and we have them all to choose from, which, methinks, is no "narrow bounds," we can find none to suit us, the consequence seems certain that the "legal operations" must be guided by the common law.

Now, what I understand by legal operations are the decisions your honors will make in your judicial capacity upon matters of property, and the sentences that may be pronounced upon crimes committed, together with the mode of trial in both. But these have nothing to do with your character as legislators. As judges, you are clothed with a common-law jurisdiction, which is at once both descriptive and restrictive—restrictive as to my powers in equity. You are also legislators in a limited degree. That charactor results, not from that of judge, but is separate and distinct, and might have existed in different persons, in nature as well as legal contemplation. If, by these limitations the legal operations are confined to too narrow bounds, I see no hope but in soliciting an alteration in the Ordinance. Our entering, therefore, "into the principles of despotism," seems not a very natural consequence.

In my former letter I mentioned that I had assented to the militia law under the full impression that it was liable to objections, and exposed its authors to censure from Congress; but that I thought the necessity of self-defense, which is amongst the first laws of nature, and can not be abrogated by written laws, would justify it. I think so still; nor, so far as it respects myself, shall I be satisfied with being merely excused. I shall not knowingly do any thing in my public character that stands in need of an excuse. Should I, at any time, pass beyond the line of duty as it is prescribed, if the deviation can not be justified, I hope it will be punished. No excuses should be admitted for men in public trust. I shall offer none.

I agree that the Ordinance, so far as it relates to the descent of lands, to wills, and intestate estates, must be considered "as a compact between the United States and all the settlers," and can not be altered by a declaratory act. But surely it does not follow that where there are doubts about the meaning of regulations, not stipulations, that they may not be explained, and their true intent and meaning fixed, by a declaratory act.

You are mistaken, gentlemen, if you suppose my situation to be more delicate than your own, or that, if it were, I should have any reluctance in complying with any thing that appeared to me to be useful to the people and consistent with my duty. As legislators, and that we are, in a certain degree, our situation is unquestionably delicate; for, upon the manner in which we discharge that trust, depends the happiness of a great many people for a length of time, as well as our own reputations; and our names will accordingly be mentioned with approbation or reproach, long after we are laid in the silent dust; and, in that character, we are all equally liable to the reprehension of Congress for misconduct.

It is a duty I owe to myself, as well as to the public, not to expose myself to the censure of those who have a right to judge of my conduct at present, or to that of posterity, and I will endeavor to fulfill it.

If you meant, by the delicacy of my situation, to put me in mind that my office of Governor is held by a slighter tenure than yours as judges, you have, I believe, a little mistaken my character. If I know myself, it is neither emolument nor any other circumstance connected with office that would induce me to hold any one moment longer than I could discharge it with honor, and to the satisfaction of my own conscience. No person, however, under the appointment of Congress, will be exposed to the alternative of quitting his office or sacrificing his conscience or his honor.

I am very sensible, gentlemen, that as law judges you will ever be above the reach of reprehension, because your conduct will ever be directed by the strictest integrity and unbiased judgment, which will force the approbation of mankind. Suffer me to hope that, while I follow you in that honorable walk, I may not be left entirely out of sight.[1]

I received with much gratitude the expressions of personal attachment you are pleased to make. I assure you they are mutual, and that nothing can be more desirable than to concur with you in every measure to promote the public good, nor shall I ever refuse to do so, but when a, perhaps, mistaken sense of duty intervenes to prevent it.[2]

---

[1] The arguments were laid before the Hon. Charles Thompson, Secretary of the Continental Congress, for the consideration of that body, and St Clair's interpretation of the Ordinance, and explanation of the comma in the clause defining the duties of the Governor and judges as law makers was sustained. He was also sustained by Congress.

[2] Although the above correspondence shows some warmth in the discussions of the questions, the personal relations between the Governor and the judges were of the most cordial nature. That they labored earnestly for laying the foundations of civil government, the official records for the year 1788 (the organization being begun July 15), amply show.[1]

---

(1) OFFICIAL RECORD BY WINTHROP SARGENT, *Secretary.*

July 27, 1788. His Excellency was pleased to issue the following order:

By HIS EXCELLENCY, Arthur St. Clair, Esquire, Governor and Commander-in-Chief of the Territory of the United States north-west of the River Ohio:

To all persons to whom these Presents shall come, Greeting:

Whereas, by the Ordinance of Congress of the 13th of July, 1787, for the government of the Territory of the United States north-west of the river Ohio, it is directed that, for the due execution of process, civil and criminal, the Governor shall make proper divisions of the said Territory, and proceed from time to time, as circumstances may require, to lay out the parts of the same where the Indian title shall have been extinguished, into counties and townships, subject to future alterations as therein specified.

Now, Know Ye, That it appearing to me to be necessary for the purposes above mentioned, that a county should immediately be laid out, I have ordained and ordered, and by these presents do ordain and order, that all and singular the lands lying and being within the following boundaries, viz: Beginning on the bank of the Ohio River where the western boundary line of Pennsylvania crosses it, and running with that line to Lake Erie; thence along the southern shore of said lake

GOVERNOR ST. CLAIR TO GENERAL BUTLER.

FORT HARMAR, *August 7th*, 1788.

Sir:—I was favored with yours of the 3d, which reached me yesterday. I am very sorry that the Senecas come by way of Pittsburgh, because they will be exposed to insult at least, if not injury, on their way from thence. It could not, however, have been owing to the changing the place of meeting that they have chosen that route, for they could not have heard of it before they set out from their homes, unless they received intimation of it from that place. I purposely avoided giving them any notice of it, because, if they had come to the falls, it would have been very little more trouble to them

---

to the mouth of Cuyahoga River; thence up said river to the portage between it and the Tuscawaras branch of Muskingum, thence down that branch to the forks of the crossing place above Fort Lawrence; thence with a line to be drawn westerly to the portage on that branch of the Big Miami on which the fort stood that was taken by the French in 1752, until it meets the road from the lower Shawanese town to Sandusky; thence south to the Scioto River; thence with that river to the mouth, and thence up the Ohio River to the place of beginning, shall be a county, and the same is hereby erected into a county, named and hereafter to be called the county of Washington. And the said county of Washington shall have and enjoy all and singular the jurisdiction, rights, liberties, privileges and immunities whatsoever to a county belonging and appertaining, and which any other county that may hereafter be erected and laid out, shall or ought to enjoy conformably to the Ordinance of Congress before mentioned.

In witness whereof, I have hereunto set my hand and caused the seal of the Territory to be affixed, this twenty-sixth day of July, in the thirteenth year of the Independence of the United States, and in the year of our Lord 1788.

ARTHUR ST. CLAIR.

Friday, July 27, his Excellency was pleased to issue commissions of Justice of the Peace and Quorum to Rufus Putnam and Benjamin Tupper, Esquires. Winthrop Sargent was commissioned Justice of the Peace throughout the Territory.

July 30th. Commissioned Justices of the Peace—Return Jonathan Meigs, Thomas Lord and Isaac Peirce; for Justice of Peace and Quorum—Archibald Crary; Judges of the Court of Common Pleas and of "The Court of General Quarter Sessions of the Peace for the County of Washington" (a court of record)—Rufus Putnam, Benjamin Tupper, Archibald Crary, Isaac Peirce, and Thomas Lord; Prothonotary of the Court of Common Pleas and Clerk of the Court of General Quarter Sessions of the Peace, with authority to keep the seal—Return Jonathan Meigs.

August the 2d his Excellency was pleased to issue the following military orders:

COUNTY OF WASHINGTON—GENERAL ORDERS.

The following gentlemen are appointed officers in the militia, and are to be obeyed as such according to their several stations:

In the Senior Class—Nathaniel Cushing, Esq., Captain; George Ingersoll, Gent., Lieutenant; James Bacchus, Gent., Ensign.

In the Junior Class—Nathaniel Goodale, Esq., Charles Knowles, Esq., Captains; Wanton Casey, Gent., Samuel Stebbins, Gent., Lieutenants; Joseph Lincoln, Gent., Arnold Colt, Gent., Ensigns; Samuel Stebbins, Gent., Adjutant.

The Captains are to proceed to form their companies immediately, agreeably to the militia law, by enrolling all and every male person, not exempted, within the county. The numbers to be enrolled in the Senior Class will depend upon the number of persons of that legal description now present. The Junior Class will include all others, not as before exempted, and they must be divided so as to make each to come to the mouth of the Muskingum, and that was the way I wished them to come.

God knows how the people of the Virginia side may behave, certain it is, however, they are not only indisposed toward the Indians, but to the treaty, and I doubt very much if Mr. Zane has it in his power to restrain them; should he attempt it, and does not succeed, it will be worse than if nothing had been said about it, and I fear at any rate will draw numbers of them to the river.

General Harmar can spare no troops from this place, but he has sent orders to Captain Zeigler, who he expects will be at Fort Pitt this day to take the Indians under him, and escort them to this place. If they are not set off, and Captain Zeigler should not be arrived or in readiness, I wish you would detain them until he is and they need be in no hurry, for I do not yet know when the Indians from the lakes will be down, nor have I much reason to expect them for some weeks.

---

company as nearly as may be of equal strength. As more inhabitants arrive, they are to be added to the companies respectively, according to their descriptions, in equal proportions as nearly as may be, until each company has reached its establishment, when other companies will be formed.

September 1st. Ebenezer Sproat was commissioned Sheriff for one year.

September 9th. William Corlis commissioned Clerk of the General Court of the Territory.

October 28th. Rufus Putnam commissioned Judge of Probate. The commission reads: "In our county of Washington, during our pleasure," etc.

November 7th—Return J. Meigs commissioned Recorder of Deeds and Clerk of the Orphans' Court.

LAWS PASSED BY GOVERNOR ST. CLAIR AND THE JUDGES.

1. A law for regulating and establishing militia. Published July 25, 1788.
2. A law for establishing general courts of quarter sessions of the peace (and therein of the powers of single justices), and for establishing county courts of common pleas (and therein of the power of single judges to hear and determine upon small debts and contracts), and also a law for establishing the office of sheriff, and for the appointment of sheriff. Pub. Aug. 23.
3. A law establishing a court of probate. Pub. Aug. 30.
4. A law fixing the terms of the general court. Pub. Aug. 30.
5. A law respecting the oath of office. Pub. Sept. 2.
6. A law respecting crimes and punishments. Pub. Sept. 6.
7. A law regulating marriages. Pub. Nov. 23.
8. A law in addition to a law entitled, "A law for regulating and establishing the militia." Pub. Nov. 23.
9. A law appointing coroners. Pub. Dec. 21.
10. A law limiting the time of commencing civil actions and instituting criminal prosecutions. Pub. Dec. 28.

GOVERNOR ST. CLAIR TO THE SECRETARY OF WAR.

FORT HARMAR, *August* 17, 1788.

Sir:—After so long a silence as from the 22d of last month, and when events of great moment are ripening, I am sorry to have nothing of consequence to communicate.

I then mentioned my expectations that the messenger I had sent with the remonstrance to the Indians would return in six days. He did return within a day or two of that time, and brought from the Delawares and Wyandots, the inclosed speech, No. 1, which is nothing to the purpose, and to which I returned the answer, No. 2, to the Pipe, through whom their speech came. In a few days after, the Pipe and several Wyandots, amongst whom were a son of the late Half King and another young chief, came in here and delivered in council (for every thing is done with these people *seriatim*) the paper marked No. 3, to which I returned the answer, No. 4.[1] Next day, the Pipe addressed me on the subject of the Chippewas, who are in confinement here, endeavoring to exculpate them, and throwing all the blame upon those who had escaped for what had happened at the falls, to which I returned him an answer in writing, No. 5. In reply, he acknowledged that we had reason for suspecting him, and did not nor could not blame us for confining them; still it was the Tawas that did the mischief, and they had escaped. These were Chippewas, and had nothing to do with it, and requested they might be released. That was flatly refused him. After some time, he represented that the two men who had escaped would make very false representations; that they had actually done so, having reported that these four who were here were put to death before they ran away, which was the reason they did it; that if one of them, if I would not release the whole, could be given to him, he would carry him to the meeting at the Detroit, confront him with the others, and endeavor to remove any ill impressions their reports might have made. Under the appearance of much concern for and zeal to serve the interests of the United States, which, in his way, he mixed with the proposition, I thought I could discover some fears he had of the resentment of the nation these people belonged to against his own people; for the Delawares were present when they were laid hold of, and were dismissed by Mr. McDowell, the officer, in a very friendly manner. I declined giving him an answer at that time, but told him I would consider it. Two days after I sent for him and said that out of consideration for him, I agreed to his proposal, and, with some ceremony, delivered him a Chippewa man about fifty years of age by appearance. He engaged to take him to the Detroit and to bring him back here. It appeared to me that no ill consequence could flow from gratifying him; that some good ones possibly might, and that, at any rate, the man was of very little consequence.

---

[1] These inclosures are omitted, as they are not necessary to the story, which is told with sufficient clearness in the letters. The Indians referred to were fencing for time, until the council on the Miami should conclude its work.

I have been very anxious for an answer to the message sent to the nations at the Detroit on the 13th ultimo, but as it was the 24th before it left the Sandusky, and the Six Nations were not arrived ten days ago (at least their arrival had not been heard of at Sandusky at that time), and the other nations will probably do nothing with it without them, it may be some time yet before it will reach us, for I do not think they will decide upon their answer very hastily. There have been a great many Indians here lately, chiefly Wyandots and Shawanese and two or three Senecas, but, except the Pipe and two Wyandots, none of their principal men, most of whom they say are gone to their council at the Detroit.

Yesterday, a white man by the name of Zane, who was taken prisoner when young, and has lived with the Wyandots for many years, came here with his whole family. He intends to quit, I believe, the savage life, and return to his friends in Virginia, who are respectable. One of his brothers lives upon the Ohio at Wheeling, and was a member of the late convention of that State. Whether this resolution proceeds from disgust, or from an apprehension of danger that he would rather shun, I have not yet been able to learn. He appears, however, to be a decent, sensible man, with much less of the savage manners than might have been expected after a residence amongst them of more than twenty years. He says that the reports are, for he mentions nothing as of his own knowledge, that the western nations are now all at peace, and that the Shawanese have also laid down the tomahawk; that very great numbers of them are expected at the Detroit, which makes the Wyandots uneasy who live there and are comparatively a civilized people. The loss of all their horses, cattle, and dogs, they look upon as the certain consequence, as upon all these they feed indiscriminately. I sounded him about the sentiments of the Indians he has fallen in with in regard to the objects of the expected treaty. He says, when sober, they generally talk of peace, but even with him they are guarded; but when intoxicated, it is the general talk that they will maintain the lands on the north-west side of the Ohio; that the river should be the boundary between us; that as they were compelled to sign the treaty at the Miami, the commissioners shall be compelled to sign what they please at this, and should they refuse, they will go to war immediately, and go to the treaty prepared for the alternative.

I have letters from the messengers, Wilson and Rinkin, of the 19th, and from Rinkin of the 20th of July, copies of which I have inclosed.

Every thing is yet in a state of great uncertainty, and will not clear up until the Six Nations get to the council at Detroit; then I may have some reply from the assembled nations that will let some light in upon it. But, sir, if it should take an unfavorable turn, the consequences will be fatal to the frontier countries, and even the posts that are occupied by the United States on the Ohio would not be very safe: not that the Indians could make any impression upon them, but the water communication would be cut off, upon which the contractors depend so much, so that they never would have any stock before hand, but feed them from hand to mouth. Pardon this hint; it is out of my way, to be sure, but it came across me, and I could not suppress it.

In consequence of General Butler's letter of the 3d of August, I applied to General Harmar for some protection for the Senecas that were expected. None could be afforded from this post, but as Captain Zeigler was every moment expected at Fort Pitt with a company, the general was obliging enough to send orders for his halting there for them, and taking them under his protection until he arrived here. At the same time, I sent directions to prevent their leaving Pittsburgh before Captain Zeigler's arrival.

I do hope the people along the river will not be mad enough to molest them on their passage; at the same time, I own I fear they will, if they are not restrained by seeing them under the escort of the Continental troops.

General Butler's application will not have any good effect should Mr. Zane communicate it, which I think he will not. I believe it would have a contrary one to what he expected and desired.

WILLIAM KNOX TO GOVERNOR ST. CLAIR.

WAR OFFICE, *August 18th*, 1788.

Sir:—In the absence of the Secretary at War, I have the honor to acknowledge the receipt of your favors of the 13th and 16th ult., with their inclosures, which were immediately submitted to Congress. The inclosed resolution of the 12th instant,[1] will acquaint you with the decisions of that body in consequence of your communications.

I also inclose you a copy of the Secretary of War's letter of the 1st inst., with a resolve continuing the Superintendent of Indian Affairs, Northern district, in office for two months from and after the 14th inst.[2]

GOVERNOR ST. CLAIR TO THE GOVERNOR OF VIRGINIA.

FORT HARMAR, *September 1st*, 1788.

Sir:—An act of Congress of the 12th ult., in which the Executives of Virginia and Pennsylvania are requested to hold certain parts of the militia of their frontier counties in readiness to unite with the Federal troops in such operations as the Governor of the Western Territory may judge necessary for the protection of the inhabitants, and that, on the application of the said Governor, the said Executive would order them to be embodied, came to my hands by the honorable Mr. Brown, last night.

Whether the whole number of militia, or any part of it, may be necessary, as it is an event that depends entirely upon the proposed treaty with the Indians, it is impossible for me at present to determine. I have been long waiting for their assembling at this place. The delay has been occasioned by the Six Nations, who did not arrive at the mouth of Detroit River, where the other nations have been waiting for them and without whom they will take no measures, until about a fortnight ago. My last accounts from that place are of the 14th of August. They had then got to the post at Detroit, and it was expected would not halt long at the mouth of the strait, and that great numbers would proceed to this place, but with what disposition is uncertain. Should these be unfriendly, and our attempts to conciliate them and establish a solid peace prove abortive, it is much to be feared that, collected as they will be in the neighborhood of the settlements, they will fall upon them suddenly. In that case, it would be impossible to make the application to the Executives so as that, in due time, the necessary orders for counteracting them, and protecting the inhabitants, could be given. I would, therefore, request that your Excellency would be pleased to give the necessary orders to the lieutenants of the counties of Monongahela and Ohio, and of the other counties below, to have their proportions in readiness, and that, on my application to them, they should be marched to such places as may be pointed out. I do expect that, if the Indians come here, I shall be able to develop their designs, if they have hostile ones, before they are in readiness to put them into execution. If they refuse to come, no doubt about their designs will remain, and other and more general measures may be necessary; at any rate, your Excellency may rest assured that no application will be made to the county lieutenants but in evident case of necessity.

---

[1] The resolution directed the Governors of Virginia and Pennsylvania to raise fifteen hundred militia, if called upon by Governor St. Clair to do so, to join any regular force employed against the Indians.

[2] This action was taken on motion of General Irvine, August 1st. In consequence of it, General Butler notified Governor St. Clair, on the 28th August, that he would join him in a few days, and bring with him the representatives of the Five Nations.

GOVERNOR ST. CLAIR TO THE SECRETARY OF WAR.

FORT HARMAR, COUNTY OF WASHINGTON, *Sept. 2d*, 1788.

Sir:—I have been honored with your letter of the 12th ult., together with the act of Congress of that day inclosed. In consequence of that act, I have written to the Governor of Virginia and the President of Pennsylvania, requesting that they would give orders to the lieutenants of the frontier counties to have their proportions of the militia required in readiness, and that, on my application to the lieutenants, they should cause them to be marched to such places as the officer commanding the Federal troops should point out. Should the militia be at all necessary to protect the inhabitants, I apprehend the opportunity of using them for that purpose would be lost by the delay that will attend an application to be made to those Executives, at the distance they are from us, after the necessity appears; for, if the Indians come to the treaty with hostile designs, they will endeavor to amuse us for some time, get whatever they can, and then make their stroke suddenly, and, as they may suppose, unexpectedly. But, notwithstanding what has happened, I do not think they are hostilely inclined, at least not generally; and I still hope that matters may be settled in an amicable manner. These, at least, were my hopes and expectations until Mr. Brown informed me of the invasion and dispossession of the Cherokees by the people of Franklin. Should the Northern Indians get information of that affair, and there is little reason to suppose they will not, I do not see how they can believe us to be in earnest when we declare the United States are disposed to be at peace with all the nations. They will think that either we mean to deceive them, to lull them into a state of security, that they may become the more easy prey, or they will despise us as having no control over our own people. To-morrow, Providence (and they are mistaken who suppose they are deficient in prudence, or a knowledge of their own interests) will lead them to decline an accommodation which might be as fatal to them as an actual and avowed war; and it is the same thing to them, whether their misfortunes arose from the natural weakness or relaxation of our government, or from a want of national faith, the consequences are to them the same; nor will it be possible to make them comprehend it, or believe that we speak truth when we profess to disapprove of such transactions, or that we can possibly mean peace, in the very moment we are knocking them in the head.

Congress may well be surprised that their resolution of the 2d of July, respecting the treaty, should have appeared in the Pittsburgh paper of the 16th of August, if, as I suppose, it was put upon the secret journal.[1] I have been both surprised and mortified at it. I doubt not it will be at Detroit by the time the Indians leave it. But I am the more mortified at the manner at which it appears (immediately following an extract from a note of mine to Major Sergeant, and without any reference to any other papers), it leads to a belief that it has been furnished by me. I hope I will not be suspected of such folly. I have written to the printer to know whence he had it. However obtained, it was great imprudence to publish it.

The government has been put in motion; a county erected, by the name of Washington, courts established, and the officers necessary for the administration of justice appointed, and, so far, every thing goes well.[2]

---

[1] The resolution referred to instructed the Governor to endeavor, in the treaty, to secure the consent of the Indians to extending the northern boundary as far north as the completion of the forty-first degree of north latitude.

[2] For record of proceedings, see pp. 78, 79, 80.

But the detention I have met with has prevented any attention being paid to the settlement on the Wabash and Mississippi, where I believe it is very much wanted. So soon as the treaty closes, I shall proceed to those countries; but the season is so far advanced already, that it appears probable our residence for the winter must be taken up here.

BRIGADIER-GENERAL HARMAR TO SECRETARY OF WAR.

FORT HARMAR, *September 4th*, 1788.

Sir:—Captain Zeigler arrived at this post on the 9th instant, with his company, total fifty-six, escorting the Cornplanter, Halftown, an Oneida chief, and several of the Six Nations, amounting in the whole to about fifty, including men, women and children, in order to attend the treaty.

I have the mortification to inform you that on the 27th of July last, a party of thirty-six men under the command of Lieutenant Peters, who were detached by Major Hamtramck to bring up provisions, was attacked on the Wabash near its mouth, by the savages. Ten of the party were killed and eight wounded.

GOVERNOR ST. CLAIR TO THE SECRETARY OF WAR.

FORT HARMAR, COUNTY OF WASHINGTON,
September 14th, 1788.

Sir:—I had the honor to address you on the 2d instant, since which, General Butler, with fifty-one (women and children included) of the Senecas, arrived here on the 9th; amongst these the principal persons are Cornplanter and the Halftown, thirty-six men in all. They say the Six Nations are desirous to be at peace with the United States. The next day after their arrival, an application was made by these chiefs, in conjunction with Guyasutha, for the releasement of the Chippeway prisoners, in the name of their own nation, the Cayugas, the Oneidas, and the Delawares; of the Cayugas, however, there is only one here, and two Oneidas, and these last, though the application was made in the name of their nation, would not come into the tent when it was delivered. It is altogether improbable that they could have had any directions on the subject. They were told that the whole affair had been represented to their general council, that their request could not be complied with, and that we hoped to have no more solicitation on that head. Many of the same kind had been made to me.

Yesterday, two persons arrived from the messengers. Inclosed are copies of their letter, and of the speeches of the Wyandots, delivered to them, and by them. From these it appears that the Wyandots are well disposed themselves. That was not with me a doubtful circumstance, but I suspect they will not have much influence upon the Western tribes, who, notwithstanding what the Kickapoos say, I have not the least expectation to see. The other nations will be here, but it will yet be three weeks or a month before they arrive. One of the men (Isaac Williams) who brought these dispatches is a son of a white woman; lives at Sandusky; a sensible young man, and has received a tolerable education, and is attached to the United States. He says that Brant did not go with the Senecas from Niagara, but that he left them there, and passed up the north side of Lake Erie, and as far as the country of the Missassaques, and returned down the Huron and St. Clair to Detroit, visiting the different nations on his way.

From the letter of the messengers it may be observed that a large body of Indians may be expected here; that they are particular in mentioning their intention to be armed, and that they themselves have been delayed so long by the desire of the Wyandots that they might be present at their councils, they are not to be admitted to them, but are sent to a distance and ordered to wait the result. On these I make no comment. It is also somewhat extraordinary that the British should take this opportunity again to make presents to the Indians, after having so recently made them the most considerable that ever were given at one time. It is also uncommon, if I am rightly informed, for the Six Nations at least, to take so many of their young men with them to councils. Their members arrived at Detroit are stated to me at two hundred and seventy-five, and another embarkation from Niagara expected. From all these circumstances, which certainly wear not a very favorable aspect, it may perhaps be expected by Congress that some measures should be taken by General Harmar and me in consequence of the Resolution of Congress of the 12th of August, for the protection of the inhabitants, at all events. I do not, however, see that we can possibly do more than merely to have the militia in readiness to act upon an emergency; and that if the Executives of Virginia and Pennsylvania comply with my request, mentioned in my last to have been made to them, they will be. But, sir, it is very little protection they will be able to afford. Defensive measures against an enemy who always act in small detachments, along so extended and weak a frontier, at the same time that they are so expensive (in the end often more so) than offensive operations, will always prove abortive, and the militia of Pennsylvania and Virginia are too distant from each other to be joined—that part at least of the frontier of Virginia from which a thousand men could be drawn. Offensive measures should then be resorted to, but these the state of public affairs forbids if they can possibly be avoided, and nothing in my power to obviate the necessity of them will be neglected.

But a war with the Western tribes, at least, seems inevitable, both from the circumstance that there is no reason to expect them at the treaty, and from the intelligence General Harmar received two days ago, which as he transmits it by this opportunity, I forbear to trouble you with. A war with them will probably involve some others, and it will soon become general. In that case, permit me to give you my ideas of the most effectual manner of bringing them to their senses.

From the Falls of the Ohio to Ouiatanon is little more than one hundred and fifty miles; from the Little Miami to the Omie (Omi) or Miamitown is not more than two hundred, if my information is right; from Beaver Creek to Cuyahoga is ninety, and from Post Vincennes to the Terre Haute, where the Piankeshaws reside, and to the settlements of the Kickapoos is about the same distance. Could a stroke be made at all those places, nearly about the same time (and it might be so calculated as to happen at all of them on the same day), the Indians would most likely so divide themselves as to make success at each highly probable, for you may be assured that their general confederacy, if it exists at all, has not that efficiency which would enable the heads of it to direct its force to a point in the security of which many of the members would not feel themselves much interested, when each had to fear for themselves separately. It is difficult enough among nations who have a regular policy and strong governments, where the ideas of union and submission are familiar. With savages it is impossible. Neither would these operations demand a very great number of men or very considerable expense. Between three and four thousand militia added to the troops in the service of the United States, might be sufficient, and surely these might be furnished by the frontier parts of Virginia and Pennsylvania, and in such a manner as to be convenient to their respective destinations. The French settlements, too, could easily, if I am well informed, give three or four hundred men.

The whole operation might, I conceive, if undertaken at a proper season, be finished in thirty or forty days from the time they took up their march, though the calculation should be for a longer period. I am sensible, sir, these observations require an apology, both because I have stepped out of my line, and that they have not been so maturely considered as the importance of the object demands; they are meant only as hints of what might be done which you would not be displeased with, and as such I request you to consider them.

The address of the messengers to the Wyandots and Delawares, though, perhaps, well enough in substance, is, in my opinion, highly improper in form; neither did I know they were so instructed, and General Butler assures me they were not. I should certainly have objected against an application in the name of the United States to any nation on earth, much more to a few savages, "for them to use their interest and influence for the restoration of prisoners," taken in peace, too, and in violation of treaties. It may have arisen from a desire to do good with much ignorance of the proper means, and, if it would rest with those nations, there would be no great harm, but if it is communicated to the British agent, which it probably will be, the United States may be exposed by it.

There is intelligence, which, I believe, may be depended upon, that the Indians at the mouth of the Wabash having been discovered, a party from Kentucky went to attack them; that, missing them there, they crossed and marched to the Salines (or Salt River, I believe, of Mr. Hutchins), went up that river to its head branches, and crossed from thence to the upper part of the Riviere de l'Embarras, where they fell in with and had an action with the Indians, some of whom were killed. They returned by Post Vincennes and Clarke's Trace to the Falls, and brought on with them six scalps, seven rifles, and twenty horses. But whether these were the Indians that made the stroke at the mouth of the Wabash, or not, does not appear.[1]

---

[1] In a private letter to General Knox, which accompanied the above letter, Governor St. Clair said it would be more economical, if the public interests permitted, to strike a blow at the Indians, but if a force should be sent, care would need to be taken to have the command of the different companies under regular officers of experience. Brigadier-General Harmar could have general charge, and he would be willing to trust Major Doughty with one thousand men, and he believed Majors Hamtramck and Wyllys were also capable of such service. He added:

"I pray God it may in no manner be necessary, for it is of very great

P. S.—I suppose the following numbers might suffice for all the objects mentioned above: To march from Post Vincennes, 500; to march from the Falls, 1,000; to march [1] from Limestone, a little above the Little Miami, 1,400 and 2 pieces; from Beaver Creek, 1,000; total, 3,900 and 2 pieces.

GOVERNOR ST. CLAIR TO SAMUEL H. PARSONS.

COUNTY OF WASHINGTON, TER. OF THE U. S., N. W. & C.,
September 14, 1788.

Sir:—In your letter to me of yesterday, you say that, having been employed by the State of Connecticut to procure a survey of lands which I understand to be within the limits of the jurisdiction of the Territory, after having commenced the survey you had discontinued it, from an apprehension the state of Indian affairs rendered a pursuit of that object improper at this time.

I am very well pleased, sir, that the surveys have been discontinued, for, at this time, when it is certain that the minds of the Indians on the subject of lands are not very easy, and when great numbers of them are hourly expected at this place, in order, if pos-

---

consequence that the new government should get into motion with as few external embarrassments as possible; they will have their hands full enough of internal business. I am happy, however, that it has so far succeeded, and all America are very much indebted to the unwearied perseverance of the patriots of New York, among whom our friend Hamilton made, I find, a most conspicuous figure. Will you take the trouble, sir, to present him my compliments? You will be pleased to hear that the settlement goes on very well, and, if they can have peace a little while, promises to answer the expectations of the adventurers, and to afford an asylum to many very worthy men, who have sacrificed themselves to the public. I see, as yet, nothing, however, in which I can serve the interests of my friends and myself. I shall, therefore, set it going as well as I can, and give place to some other, for the salary will be found, I am sure, to be no compensation, and I have, heretofore, paid so very little attention to money, and my family, as they grew up grow also so expensive, that it is a matter I must turn my attention to—at a time of life when I am very unfit for it, and with habits that are very unfavorable to it."

[1] At the Omi Town, there was a fort constructed for the savages by the British. The plan of campaign thus outlined by St. Clair was a good one, and if it had been adopted by the government in 1790 or 1791, instead of the formal expeditions from a single point which permitted the Indians to concentrate, the result would, in all probability, have been very different.

sible, amicably to adjust every object of controversy, the pursuing them might be attended with very ill public consequences.

I do not certainly know, sir, whether I am right in another opinion; neither have I time now to examine it, but it strikes me that the consent of Congress ought to be obtained, and Connecticut should have obtained that consent before any appropriation of lands is made within the Territory of the United States by any State.

Certainly, the executive of the Territory should have notice.

BRIGADIER-GENERAL HARMAR TO MAJOR HAMTRAMCK.

FORT HARMAR, *October* 13, 1788.

Dear Major:—You will act promptly in seizing and confining the Gross Tete, or any other villians who were accessory to the murder committed at Sullivan's Station. I observe by your letter of the 12th of August, the severe stroke which the party under Lieutenant Peters has received. The intelligence has been transmitted to the War Office. The new government, I hope, will soon operate, and expect, in the course of the next year, we shall not tamely suffer the subjects of the United States to be murdered by these perfidious savages. The savages are, in my opinion, hatching a great deal of mischief. I have detached a captain's command, with Captain Hutchins, the geographer, for his protection to the mouth of the Scioto, in order to survey the exterior lines of Messrs. Cutler and Sargent's purchase, which weakens this garrison considerably, at the present moment more especially. Let your fort be named Fort Knox.

GOVERNOR ST. CLAIR TO GENERAL KNOX.

FORT HARMAR, *October* 26, 1788.

Sir:—A capital opportunity to Pittsburgh presenting itself, I could not let it pass without writing, although I have nothing to communicate more than when I wrote last, which was on the 7th instant. I then informed you of the Indians having been sent out for intelligence; two of them returned on the 17th, but brought no satisfactory accounts, having stopped at a little Seneca village called the Wasp's Town, between the two Sanduskys. Their information, as I took it from the mouth of the interpreter, is as follows: That they were seven days going to the upper Sandusky; the men there were all gone away, most of them gone to the Miami; went on to the Wasp's Town, where a few of the men were at home; were informed there that the nations were still in council at the Miami, and their numbers immense; that Brant had spoken so differently from what had been expected was the reason they had been detained there so long; that the chief at the Wasp's Town told them it was a great day's journey for a horse and the road very bad to the Miami, and as they must be tired with their journey, they should halt where they were, and he would send one of his people to bring them the news; they halted two days to rest themselves, and then set out on their return, leaving the third man to bring the news, and we might certainly expect him in four days; that there were various ill reports amongst the Indians that we intended, when they came here, to kill them all, either by putting poison in the spirits we gave them or communicating the small-pox with the blankets; that an Indian, the son of Abraham Khun, who understood English very well, had heard two great men talking together at Pittsburgh about it, and that it was agreed upon; that old Khun had told his people of it, and forbidden them on that account to come here; that the western nations were much dissatisfied with Brant; had put him down, and would probably kill him.

On being asked what they meant by Brant talking differently from what had been expected, they said he had been exciting all the nations to a war with the Americans, and they were dissatisfied with him for that reason.

They also brought a string of wampum, and delivered a short message from the people at Wasp's Town, which was, in substance, to request that we would still have patience, and we should hear from them soon, and expressive of some fear of a visit from us at their towns, as it was interpreted, but the interpreter is a most stupid, ignorant fellow. The words were: "Be strong and have patience; you seem as if you were ready to come and speak to us here, but be strong and sit still, for in a few days you shall hear from us." In a former letter, I observed that it was impossible the Indians in very great numbers could subsist about the Miami for any length of time, and, therefore, considered that they must have dispersed. It would seem, however, if there is any thing in the above intelligence, that they are still at that place. Certain it is, that in the country about the Miami game is very scarce, and if they are really there, then subsistence must be derived from Detroit, but it is not probable that the British would, or indeed could, supply so great a number of people from that post, on a business such as that of the

Indians ostensibly is, and at a season when fresh supplies can not be thrown in from Canada. Their numbers, then, must be inconsiderable, or they are dispersed. The silence of the messengers, for there has not a word come since that I last transmitted of the 28th and 30th of August, is an extraordinary circumstance; nor have we any thing from the two last white men, who left here on the 20th of September. On the 10th, I dispatched the Indian who calls himself George Washington. I have much dependence on him, and he proposed to return about this time; return, I have no doubt he will, unless they kill him, and it was his own declaration that they should not otherwise prevent him.

It is to be observed that the reports about Brant brought by the Indian messengers are not much to be depended on; they were the Cornstalk's people, and sent out by him, and between these two there is a mortal and open rivalship and enmity. If the western nations are dissatisfied with him, it would seem full as probable that it has arisen from his recommending peace to them, because, from the very moment of signing the treaty of the Miami to this day, they have been doing mischief. The last that we heard of was the killing of one Filson,[1] a surveyor, who was laying out Judge Symmes's town, about three weeks ago. The thing is certain, though we have not the particulars.

You will please, likewise, to observe that the advice of the chief at the Wasp's Town to the Indians to halt there, when translated into English, was a prohibition to proceed, and so understood by them; for, notwithstanding the distance, which is about forty-four miles, and the badness of the roads, it has been often gone on foot by an Indian in one day. The delay that has taken place has been most mortifying to me in many ways, but in none more than by preventing so long my visiting the settlements on the Mississippi and the Wabash, where I know my presence is very necessary to put things in order and quiet the minds of the people. The late resolution of Congress respecting their lands and the donations, must, undoubtedly, have that effect, and I shall lose as little time as possible over carrying it into execution. I propose to stay here about a week longer; if no accounts arrive within that time, we may certainly give the matter up and expect hostilities. The season will then be too far advanced for their meeting us, and for much injury being done to the upper part of the Virginia frontier and that of Pennsylvania; what may happen lower down is more easily imagined than prevented. I have yet no reply to my application to the Executive of Virginia or Pennsylvania, though I heard that the latter had called the assembly, so that no defensve measures can be taken; it is too late for offensive ones, which only can be effectively defensive.

---

[1] John Filson.

I forgot to mention that Lieutenant Armstrong, on his way with a detachment to the Falls, was fired upon at the mouth of Scioto, and had one man wounded.

GOVERNOR ST. CLAIR TO THE SECRETARY OF WAR.

FORT HARMAR, *November 4th*, 1788.

Sir:—A day or two ago I wrote you a hasty letter, to inform you that the Indian messenger Washington had returned and brought letters from Wilson, which gave me reason to expect the Indians would soon be here. I did not think to have troubled you again before the return of Wilson, which I had reason to expect before now, but as Major Doughty is setting out for New York, and I had time to send copies of the letter of Wilson, and one from Brant[1] to him, I could not let slip so good an opportunity. They are now inclosed. Wilson's letter is marked No. 1, that from Brant to him No. 2, and No. 3 is a copy of a letter from Isaac Williams (whom I have mentioned to you before), to General Butler.

You will observe that Wilson says in the postscript, that there was a good deal more in the speech delivered by the Wyandots than he had written, but Washington had heard it from the Pipe, and could inform us. I can not learn any thing of consequence from him about it, further than that there had been little unanimity amongst them; that the Kickapoos and Piquas (a tribe of the Twightwees) particularly would agree to nothing that was proposed, and would propose nothing themselves; that the Wyandots presented them with a large string of wampum, taking hold of one end of it and desiring them to hold fast by the other, which they refused to do; that they then laid it on the shoulder of their principal chief, recommending to them to be at peace with the Americans, and to do as the Six Nations and the others did, but, without making any answer, he turned himself on one side and let it fall to the ground; that they, the Wyandots, got up and told them they had been a long time there talking to them and advising them for their good, they would now leave them to talk by themselves, and immediately left the council-house.

---

[1] The letter of Brant, which is the only one having interest to us, has not been found. At this time Brant was at the Miami River waiting on the Western nations for the purpose of holding a council. Judging from other letters of his of that period, we may guess his letter to St. Clair professed a desire for peace, but mentioned difficulties in the way through the opposition of the Western Indians. In a letter to P. Langan he said: "I have still my doubt whether we will all join or not, some being no ways inclined for peaceable methods. The Hurons, Chippewas, Ottowas, Pottawatamies, and Delawares, will join with us in trying lenient steps and having a boundary line fixed; and, rather than enter headlong into a destructive war will give up a small part of their country."

I will not trouble you with my conjectures about this business, and any thing I can say would be nothing more. In a few days we shall have better information, perhaps, when I shall have the honor to make the communication. As to the action of the British, however, I can not help supposing that it must have arisen from the expectation that the United States would certainly go to war with them, the effects of which ought to recoil upon themselves. Washington mentions this circumstance further in that speech, viz: that if they would not immediately go and meet the American commissioners at the Muskingum, they should not receive from them (the British) so much as a breech-clout. The truth of all this I hope I may be able to discover if there is a difference among them, and improve it to the best advantage of the United States.

Governor St. Clair to Judge Varnum.[1]

County of Washington, *November 4th*, 1788.

Sir:—I am informed that the law respecting marriages which was agreed to by you, Judge Parsons and myself, and was sent to me for my subscription, and which I did subscribe, and granted a warrant for affixing the seal of the Territory to (not doubting but before the publication it would receive the subscriptions of Judge Parsons and yourself), has, by some mistake, been published without your sign manual, and that you now refuse to subscribe it. This, sir, is a little embarrassing. When you consider of it, I can not think that you will persevere in withholding that public testimony of its having been your act, as well as that of Judge Parsons and me, as it was certainly agreed upon by all. You are sensible, sir, that agreement ought to appear, as without it the authenticity and the validity of the law may be called in question; I persuade myself, therefore, that on consideration you will yet subscribe the law, which will perfect it. But it must not rest in its present state. I, therefore, request you to inform me in direct terms, whether you will subscribe it or not, that such steps may be taken in the matter as may be thought necessary.

---

[1] Original letter in possession of Robert Clarke, Esq.

GOVERNOR ST. CLAIR TO CHARLES THOMSON, SECRETARY OF CONGRESS.

FORT HARMAR, *November 6th*, 1788.

Sir:—Your favor of the 1st of September, together with the inclosures, has been in my hands since the beginning of the last month. That I have not acknowledged the receipt of it earlier, has been owing to the expectation I was in, from day to day, that I would soon be able to mark the time when I could proceed to execute the orders of Congress in the country below, which were conveyed with it. From my letters to the Secretary of War, you will have seen how those expectations have been disappointed.

By the instructions of the 29th of August, I am directed to proceed without delay, except while necessarily detained by the treaty now on hand, to the French settlement on the Mississippi. Had the treaty taken place at the time, it might reasonably have been expected, I should, before now, have been in the execution of those instructions; but the season is now so far advanced, and it is still so uncertain when the Indians may arrive here, that it is very doubtful whether I shall be able to go down the river before spring. The last intelligence I have from the Indian country is of the 22d ult. They were said to be on their way here, and I have looked in vain for the arrival of Wilson, a messenger of ours, as their precursor, for over a week. Their motions must, however, necessarily be slow, as they have not a morsel of provisions, and must consequently hunt their way; they were reduced to great extremity before they broke up at the Miami.

It appears probable that the business to be done with them here would not take up much time, as it is pretty certain there has not been much cordiality amongst them, but as the Six Nations will, in all likelihood, winter in this part of the country, they will draw the negotiation into as great a length as possible, to have the better pretext for being supplied.

In the proposed treaty with the Indians who claim the lands on the Mississippi, if there are any such, I observe it is expected they may be satisfied with an annual supply of corn or other provisions for a limited time. How such a proposition may be relished by them I can not say, but if they are of similar dispositions to those we are better acquainted with, it will not be relished at all. Goods to a certain value, delivered to them in that way, perhaps might, and if the expense be the same, I see no difference; but the wish of Congress upon this subject may possibly be obtained before any thing can be done respecting it.

GOVERNOR ST. CLAIR TO EBENEZER ZANE.

FORT HARMAR, *November* 13, 1788.

Sir:—We have now a prospect of a treaty with the Indians, commencing in a short time, and hope it may come to a favorable issue. There is, however, no certainty of that: and, if it should take another turn, the country would be very much exposed. It is a long time since Congress called upon Virginia for a thousand militia to be in readiness in case of the worst, and I wrote to the Governor on the subject, but have had no answer, which embarrasses me. You would oblige me very much by informing me whether, if things should take a wrong turn, any number of men could be suddenly got to march from your county with their own horses and provisions and arms, and how many?

I hope and believe it may not be necessary, but when things look the best we should provide for a change. Your answer, as soon as possible, will oblige me. Who is the Lieutenant of your county?

GOVERNOR ST. CLAIR TO MAJOR WYLLYS.

FORT HARMAR, *November* 28, 1788.

Sir:—I have received information from Detroit that some overtures have been made by the people of Kentucky to Lord Dorchester, to be taken under the protection of the British Government, and that Colonel Conolly is lately gone from thence to Louisville on that business, but under pretense of obtaining certificates respecting property he had in that country, which was confiscated during the war. It may be in your power to watch that gentleman, and, perhaps, to discover whether there be any thing in the report. Should you think there are any grounds for it, I suppose it would not be difficult to get him over to the fort, when about to quit the country, and examine, very strictly, his luggage and papers. If he has papers that would make any discovery, they will be concealed with a good deal of art. When he was apprehended during the war, his instructions from Lord Dunmore were concealed in the stocks of his mail pillion, which were hollowed for the purpose. Should there be any truth in the matter, and that overtures have actually been made, some address and perfect secrecy will be necessary, as there is no knowing who may be the persons engaged in it, for which reason I have not communicated the intelligence to any other person but you. It would spread like wildfire if any person in that country knew of it, and the means of detecting it be gone. It is a delicate affair, but I am sure you will manage it in such a manner as to reach the truth; at the same time that the respect due to the rank of the man (if honestly employed) will be broken in upon as little as possible.

GOVERNOR ST. CLAIR TO THE SECRETARY OF WAR.

FORT HARMAR, *December* 3, 1788.

Sir:—I had the honor to address you on the 12th ultimo, and transmitted the messages and information I had received to that time, with my answers to the messages, and I promised to send forward the messenger's report by the next opportunity. That report I have not yet received, as I thought it best, the Indians having desired it, to send Wilson back with my answer. On the 27th, Wilson returned, and brought the inclosed speech, No. 1, from the Six Nations. That speech obliged me to reply to the Six Nations particularly, of which No. 2 is a copy, and also to send a speech to the Nations, wherein I entered fully into the pretenses they have made to be discharged from the obligation of former treaties, showed them the futility of them, and gave them a view of the consequences of peace and war to themselves; but, as this is a lengthy affair, and I have been very ill with the gout, and still am so, I could not get a copy ready for this conveyance; it shall be forwarded by the next. On the 1st instant, Wilson was again dispatched with those messages, and, two days after, the Cornplanter sent two of his people to see what was going forward. They returned this day, and brought with them a Seneca, of those who were with Brant, who delivered me a message from the Wyandots, and four of the Western Nations, but he could not particularize them. The purport of the message is to let me know that they are on their way, and are got about fifteen miles this side the falls; that they are determined to come to the council at this place, and desiring that we may yet have a little patience; that their hearts are good as they believe those of the Americans to be. These Indians say that Brant, on the receipt of the message, immediately determined to go back with his people by way of Detroit, and had moved some miles before they set out; that from his new encampment he had sent for the chiefs of the Wyandots and Delawares to meet him there; but they had refused to go, telling him they were on their way to the Muskingum, and he might come to them there.

This moment a messenger arrived from Wilson with the inclosed letter, No. 3; excuse me for troubling you with the original, for I am not able to copy it. It disagrees with the Indian intelligence, in the circumstance that the chiefs were going to meet Brant, but Wilson had not seen either the Wyandots or Delawares, and it must have been Brant's conclusion that they would meet him. The messenger says that the Pipe, the chief of the Delawares, and the Wyandot chiefs, whom he saw after parting with Brant, told him they would not go, but would be here in four days.

The Shawanese, Delawares, and Miamis, said to be at hand, are the hostile tribes who live at the Miami Village—Kikayuga is the name they gave to that town.

GENERAL HENRY KNOX TO GOVERNOR ST. CLAIR.

WAR OFFICE, *December* 8, 1788.

Sir:— . . . Having just returned from the eastward, and the post being to depart this day, I have not time to answer your several communications, but, by the next opportunity, I shall particularly reply to the several objects therein stated, which may require an answer.

It must be a subject of great chagrin to you to find that the Indians have postponed their meeting to so late a period, and that your hopes of a general treaty are so weak. Deeply impressed as you are with the evils attending an Indian war at this period, you will have made use of every honorable expedient to avoid so injurious an event, and, as it appears from your communications to be the wish of the officers commanding the British posts that the Indians should treat with the United States, it may be hoped that the issue will yet be favorable. If you should not be able to assemble the Northern tribes now, you may be able to make a solid arrangement for assembling them and the Western Indians early the next year.

At present there is no Congress; whether one will assemble until the new Constitution shall take place, is uncertain.

If, notwithstanding your utmost exertions, an Indian war, either partial or general, should be inevitable, the best possible arrangements should be adopted for carrying it on with such vigor as speedily to terminate it, for a protracted Indian war would be destruction to the republic in its present circumstances. In case, therefore, of this event becoming certain, many reasons would concur to render your presence necessary at the seat of government.

GOVERNOR ST. CLAIR TO JOHN JAY.[1]

FORT HARMAR, *December 13th*, 1788.

Sir:—I have received information from Detroit, which I depend upon, that a certain Colonel Conolly, who came to that place from Quebec last winter, has not long ago set out for Louisville, at the Rapids of the Ohio. He is the Conolly that made himself pretty remarkable during the progress of the Revolution, and was appointed a lieutenant-colonel in one of the refugee corps. He is upon the half-pay list, and has lately obtained from Lord Dorchester an addition of two hundred pounds sterling per annum, and his expenses. The reason he assigned, at Detroit, for the journey to Louisville was, that he might obtain certificates of the value of his property in that country, which had been confiscated, in order to support the claim he had made upon the British government for compensation. My information is, that he is sent to tamper with the people of Kentucky, and induce them to throw themselves into the arms of Great Britain, and to assure them of protection and support in that measure; if that can not be brought about, to stimulate them to hostilities against the Spaniards, and, at (any) rate, to detach them from the United States. I have written to Major Wyllys, who commands at the Rapids, informing him of these circumstances, and requesting him to have an eye upon him, and, if he finds him either exciting a revolt or tampering the people to hostilities against Spain, to make him a prisoner and to send him to this post, with a transcript of the testimony against him, and the names of the persons who will support it, that they may be forwarded together to you. I know of no other officer of the United States, sir, who could with propriety take cognizance of it, but if in that I am mistaken, you will please to inform me to whom he should be sent, in case he should be apprehended. The offense, I have no doubt, is treasonable; but, whether we have any laws to punish treason against the United States, I doubt very much; even in that case, as the country is within the lands of Virginia, it will be treason against that State, and there he might be punished for it. Since he arrived at Louisville he gave out that he had discovered some flaw in the act of Assembly and means to attempt the recovery of his estate by a course of law, and, as that will detain him in the country, he has hired a house and taken up his residence.

---

[1] Mr. Jay was Minister for Foreign Affairs of the old Continental Congress when St. Clair was President, and continued in that position until after the government was organized under the new Constitution. He was succeeded, in March, 1790, by Mr. Jefferson.

It is certain, sir, that, in the last Convention, a proposal was made that the district of Kentucky should set up for itself, not only as independent of Virginia, but of the United States also, and was rejected by a small majority only. It may possibly be that overtures have been made to Lord Dorchester; but it can not be that my lord would make Conolly such an allowance, or, indeed, any allowance, for looking after his property and to bring on a claim against his nation. Conolly has also been writing to many people about Pittsburgh, and in that country, and has intimated an intention to visit that place this winter, and, I have heard, has opened himself pretty freely to General Morgan, of Winchester in Virginia. All those circumstances put together make it more than probable that he is agent of the British for some sinister purpose. If any other measures than those I have directed ought to be pursued, you will oblige me by pointing them out, and they shall be executed without delay.

After the tedious expectation that has attended the proposed treaty with the Indians, there is now a prospect of its soon beginning; indeed, in a few days, as they are now within two short days' journey. It will not, however, be a very general meeting, as Brant, who is also a British pensioner at four hundred pounds sterling per annum, after coming within sixty miles of us, is gone back to Detroit, and has taken with him the whole of the Mohawks and a part of some other tribes of the same nations, and it is to be feared will also prevail with the Shawanese and the Western people, who were within two days journey of him, on their way here, to return with him likewise. I do not, however, consider that as any great misfortune, because I believe the consequence will be the dissolution of the general confederacy which he and the British had taken so much pains to form, and hope to be able to keep the frontiers of New York, Pennsylvania, and the upper part of Virginia, in peace this winter. No treaty, I believe, will secure the lower frontier at present. If that, and the possession and sale of the Western Territory, is an object with Congress, they must prepare to chastise the Western nations as early in the summer as possible.

The depredation they commit upon the inhabitants is intolerable, and it is not confined now to the inhabitants. They have had the audacity to fall upon the parties escorting the provisions to the posts, and those posts are so weak and so distant from each other, and supplied with so much difficulty, that they will either fall into their hands or be abandoned for want of provisions if things remain upon the same footing.

It is to be feared that the Indians, at the same time, will not want for assistance from the British, and it is pretty evident that people have no thought of surrendering the posts they hold within the territory of the United States, for Lord Dorchester, who visited them himself this last summer, has ordered the town at Detroit to be picketed in, which is completed, and additional works to be constructed there, and a fort they call St. Clair, on the American side of the strait, between the lake of that name and the Huron, which had been begun during the war and abandoned at the peace, to be completed.

It was always my fear that our Western Territory, instead of proving a fund for paying our national debt, would be a source of mischief and increasing expense, but the expense is not the worst part of it. It has given such a spring to the spirit of emigration, too high before, that though it is pregnant with the most serious consequences to the Atlantic States, it can not now be held back, and the Spaniards are also trying to harm that spirit with great industry to their advantage, so that those States not only lose their people and sink the value of their soil for the present, but are laying the foundation of the greatness of a new country.

It is for a considerable time that the Spaniards have been offering a thousand acres of land gratis to every American who would remove into the West or Florida, to pay ten dollars for every hundred-weight of tobacco he could raise and deliver at New Orleans, an exemption from all taxes, and a proportionate price for provisions and other articles the produce of his farm, but they have lately gone a step farther. If I am well informed, Colonel Morgan, who was lately in treaty with the Board of Treasury for a tract of land on the Mississippi, has obtained of Mr. Gardoqui a grant of a very large tract upon the Spanish side, opposite to the mouth of the Ohio, which he engages to settle with Americans. They are to have the same *privileges* with those who remove into Florida.

He is now at Fort Pitt, and it is supposed will carry a good many people from that country. Upon Kentucky is, however, his chief dependence, for in that quarter are many thousands of people, who have been tempted by the accounts published of its amazing fertility to quit their ancient settlements without having secured a foot of land there, and can not obtain lands but at a price that is beyond their reach. There is no doubt many of those will readily join him, for they have no country, and indeed that attachment to the *natale solum* that has been so powerful and active a principle in other countries is very little felt in America.

I have been casting about for some way to counteract Mr. Morgan, and I can not think of any so likely to succeed as for Congress to change the mode of disposing of the Western lands in large tracts, at least to change it for a part of them, and lay them open to be taken up by the people who settle upon them. The country upon the Mississippi, and between that and the Wabash, would accommodate the people of Kentucky who have no lands, and I believe it would tempt them to remove to it rather than the Spanish side, and it might be disposed of in the manner the proprietors of Pennsylvania sold the lands they had purchased of the Indians. It was thus: The lands were set at five pounds sterling per hundred acres; no more than three hundred acres were allowed to be taken up by one man. He made a description, in writing, of the piece he wanted, bounding it either upon lands already granted, or some creek or river, or marked trees, that rendered it sufficiently certain, and carried it to the office of the Surveyor-General, where it was entered into a book kept for the purpose. The Surveyor-General issued an order for making the survey returnable within a certain time to his office, and the applicant took possession. The purchase-money ran upon interest from the date of the order of survey, and was discharged when it was in the person's power, though to make them more industrious a time was fixed within which the patents should be taken out, but no advantage was taken of their overpassing that time; on the payment of principal and interest the patents issued. I believe there is not an instance, though it was a very extensive country, at least, the instances were few, where the patents had not been taken out, and all the land, good and bad, had been sold. Although this mode would not so suddenly extinguish any part of the debt as that now in use, yet an interest equal to the interest of the debt, so far as the lands went, would be accruing to the United States, and the principal would come in at last, and the people, who are of infinite value, that will otherwise be more than lost, will be secured. The present inhabitants of that country, when they see it gathering strength by the accession of new inhabitants will be more contented to remain in it.

The Spaniards are also at work with them to induce them to abandon it, and have succeeded with many of them. Excuse me, sir, for troubling you with my ideas on the subject—they are crude ideas, but you will improve upon them and perfect them, if they deserve any attention. The subject is, in my opinion, an interesting one to the United States.

The Spaniards have also been making seizures upon the east side of the Mississippi, within the territory of the United States. General Harmar, some time ago, transmitted to the War Office the complaint of a Mr. McIntosh, and I now inclose you the deposition of a Monsieur de St. Marie, on a like case, and extract from a letter from Major Hamtramck, the commander at Post St. Vincennes, of the 13th of October, to General Harmar.[1]

I ought, sir, to beg pardon for troubling you with so long a letter, but I can not put an end to it without requesting you to present my best respects to Mrs. Jay.

P. S.—15th.—I have mentioned extracts from Major Hamtramck's letter, but gave you but one. The other, which respects some depredations and the murder of some friendly Indians, has been inclosed by General Harmar in his dispatches to the Secretary of War, and I have not time to get another made out.

The treaty with the Indians is opened, and, so far as we have yet gone, looks well.[2]

---

[1] The following is the extract from Major Hamtramck's letter referred to:

Post St. Vincennes, *October 13th*, 1788.

The commandant of St. Louis has wrote a letter to the French of this place, inviting them to come and settle on the Spanish side, and offers them lands for nothing. This letter was given to an Indian. I have got it from him before any of the people saw it.

N. B.—I have information from Mr. DeValeniere, the priest at Kaskaskia, that like invitations have been given to the inhabitants there and at Cahokia.

[2] MS. found among the *Hamtramck Papers*

MAJOR ISAAC B. DUNN[1] TO GOVERNOR ST. CLAIR.

LOUISVILLE, KY., *December*, 1788.

Dear Sir:—The following is a copy of a passport given by Lieutenant-Colonel John Connolly to an inhabitant of Kentucky:

To Alexander McKee, Esq., Deputy Superintendent of Indian Affairs:

The Bearer hereof is Charged with Business of a friendly nature. You will please therefore to recommend him to the Natives in General that no evil consequences may ensue from the interruption of a good Design.

Given under my hand and seal at Lexington, in the District of Kentucky, this third day of December, 1788.

JOHN CONNOLLY.

Alexander McKey [McKee].

GOVERNOR ST. CLAIR TO GENERAL KNOX.

FORT HARMAR, *December* 13, 1788.

Sir:—Knowing the anxiety there must be about the Indian business, I let slip no opportunity to give you information.

I have, however, nothing more to communicate at present than that a large body of the Indians, consisting of the Five Nations, the Senecas, the Wyandots, the Delawares, the Ottawas, the Chippewas, the Pottawatamies and the Sacs, arrived last night, and the ceremony of receiving them has been gone through. Brant, with the Mohawks, and a few from some other of the Five Nations, turned back immediately on receiving my last message, of which I sent you a copy. He did every thing possible to prevent the rest from coming forward, but without effect. The Shawanese and Twightwees, with the Delawares, who lived with the Shawanese, were within two days' journey of Brant's camp when he turned, and it is probable he would meet with them and take them with him.

The Pipe was sent after them to press them not to listen to him, but his messengers are not yet returned, neither are the whole of those nations I mentioned above yet come in, but will be here in a few days, when the business will begin in form. Inclosed is a copy of No. 1 of the speech to all the nations, which I mentioned in my last, and No. 2 is Brant's answer, in the name of those nations, which they disown.[1]

---

[1] Major Dunn, who was Aid-de-Camp on General St. Clair's staff during the revolutionary war, had settled at Louisville and gone into mercantile business. He was a frequent and useful correspondent.

THANKSGIVING PROCLAMATION.

Forasmuch as it is incumbent on all men to acknowledge with gratitude their infinite obligations to Almighty God for benefits received, and to implore his superintending care and Providence for future blessings, I have thought proper to set apart a day for that purpose, and do hereby ordain that Thursday, the 25th day of December, be observed as a day of solemn thanksgiving and praise, that the people may, with one voice and sincere hearts, express their grateful sensations, and consecrate themselves to the will and pleasure of their Divine Benefactor, and that together with their acknowledgments, they may unite in humble supplications to Almighty God, that he would be graciously pleased to prosper this infant settlement and the whole Territory in their husbandry, trade and manufacturers, and by his own nurturing hand mature and bring to perfection all seminaries of learning, and the promotion and enlargement of piety and true religion amongst all the nations of the earth. And I do prohibit all servile labor on that day.

Given at Marietta this 17th day of December, A. D., 1788, and in the thirteenth year of the Independence of the United States.

ARTHUR ST. CLAIR,
Governor and Commander-in-Chief.

By His Excellency's command:

WINTHROP SARGENT, *Secretary.*

GENERAL KNOX TO GOVERNOR ST. CLAIR.

WAR OFFICE, *January 5th*, 1789.

Sir:— . . . In the particular situation in which you are placed, the capricious conduct of the Indians must give you great anxiety.

I am persuaded every thing will be done on your part that can be with propriety to avoid a war, and if that event should be inevitable, that the evils of it may be justly charged to the Indians.

We shall be impatient to learn the result of your present negotiations, which in any case will be highly interesting.

At present there is a greater prospect of a Congress of seven

---

[1] Not found among the St. Clair Papers.

States assembling by the 1st of February than existed at the time I wrote you last, but it is improbable that a Congress of nine States will be convened under the present confederation.

Governor St. Clair to the Secretary of War.

Fort Harmar, *January* 18, 1789.

Sir:—I have the honor to acknowledge the receipt of your letter of the 20th of December, and the pleasure to inform you that on the 11th inst. the business[1] with the Indians was finished. They have renewed their former engagements; that is, the Six Nations, the Wyandots, Chippewas and Delawares, and the Pottawatamies and Sacs have been included (none of the other nations having attended), and relinquished in, I believe, a proper form, for a valuable consideration, the lands formerly granted. They seem to be very

---

[1] The following proclamation was issued by Governor St. Clair to give public notice of the treaty. It is given, with all of Major Sargent's headlines and additions, to show how public papers were executed before experience adopted simpler, but less expressive, forms:

A Proclamation by his Excellency, Governor St. Clair, Commander-in-Chief, and Commissioner Plenipotentiary for Removing all Causes of Controversy Between the Indians in the Northern Department and the United States.

To all persons to whom these presents shall come—Greeting:

Whereas, A treaty[1] was concluded at Fort Harmar on the ninth day of January, in this present year, with the Six Nations—Wyandotte, Delaware, Chippewa, Ottawa, Pottawotamie and Sac nations of Indians and the United States—whereby peace and friendship have been renewed and confirmed between the United States and the before-mentioned Indian nations—

All the citizens and subjects of the United States are hereby required to take notice of the same, and to abstain from every act of hostility, injury, or injustice to the said nations, as they shall answer the contrary at their peril.

Given under my hand and seal at Marietta, in the county of Washington and Territory of the United States, north-west of the River Ohio, the 24th day of January, A. D. 1789, and in the thirteenth year of the independence of the United States.

Arthur St. Clair.

By his Excellency's command.

Winthrop Sargent, *Secretary.*

God save the United States.

---

[1] See Appendix.

well satisfied, and if they are not sincere in their professions, they know very well how to put on the appearance of it. One good consequence I certainly expect from the meeting, to-wit: that their confederacy is broken, and that Brant has lost his influence; notwithstanding, it is more than probable that he may be able to incite the Shawanese, and some of the others whom he prevented from coming forward, to mischief, and that the stroke will fall upon Kentucky. This is the opinion of the most sensible among them, with whom I have conversed upon the subject.

We are at present frozen up here, and communication by water consequently cut off; but General Butler, by whom I forward this, attempts the passage by land—a journey I am at present unable to undertake. So soon as the river opens, I shall leave this post and proceed to New York; but if any thing should happen to retard me, the treaty, with the minutes of the proceedings, shall be forwarded by the post.

ACCOUNT OF THE INDIAN TREATIES FROM THE DIARY OF MAJOR EBENEZER DENNY.

1788, December 13th.—About two hundred Indians arrive; consist of Delawares, Wyandots, Senecas, Tawas, Pottawatamies, Chippewas and Sacs. No Shawanese.

14th.—Meeting in council-house to welcome each other, etc.

15th.—Met in council; treaty opened. This evening, Captains Ferguson and Beatty set out, and Ensign McDowell arrived, who had been escorting Mr. Marten, surveying up the Scioto.

20th.—The weather is extremely cold; the river driving with ice. The Governor and Indians have had frequent meetings in the council-house, but nothing conclusive yet.

29th.—A grand council was held. The old Wyandot chief, Shandotto, addressed the Governor in behalf of all the nations present. He began by telling their origin, and how the Thirteen Fires had gotten possession of their country; how we had, in two instances, cheated them. The first, he said, was in a bargain made with them for just as much ground as an ox's hide would cover—merely to build one fire upon. The Americans cut the hide into strings, and claimed all the ground they could encompass therewith. The second case was a bargain for such an extent of country, in a certain direction, as a white man would travel to and back in one day. A surprising walker was found, who went as far and back again the same day as any of their swiftest men could do in two. These, said he, were submitted to, as you were strangers in our country, and professed to be our friends; but you have gone on from one step to another, so that we don't know when you will stop. At a treaty concluded to the northward, before the late war, he said, they had given up all the country south of the Ohio River. That boundary was a very plain one. It was such as could not be altered or mistaken; there could be no dispute about it. Concluded by saying that all the nations present had determined to grant no more of the country, but were willing to abide by the treaty which established the Ohio River as the boundary line. He presented a large belt of wampum with a black stripe running through the middle of it, representing the Ohio River dividing, etc.

The Governor replied, and told them that he could not possibly make the least deviation from the treaties which had been concluded at Fort Stanwix, at Fort McIntosh, and at the Miami River; that at these treaties the several boundaries had been fixed, and were unalterable. Council adjourned. Several days pass over, Indians pow-wowing. The Ohio rising and driving with ice.

1789, January 6th.—All hands assemble again. The Governor made a speech to the Indians. Explained to them by a simile how they had forfeited their country. He supposed the Wyandots and some distant nation at war with each other. The Shawanese, living between, were desired by the Wyandots to lie still, which was agreed to; but the Shawanese, being of a restless disposition and easily persuaded, took up the hatchet against their neighbors, the Wyandots; notwithstanding, the Wyandots conquered their enemies and obliged them to sue for peace, and the Shawanese' lands were given as a price for the same. Now, whether had not the Wyandots a good claim to the lands? They all agreed it was but just. Then, said he, this is exactly your case. You took up the hatchet against the United States, and joined the English in the late war. The English, to obtain peace, ceded to the United States all the country south of the great lakes. He told them that they had been all summer endeavoring to meet, but it seemed to be to no purpose. The United States, he said, were much inclined to be at peace with all the Indians; but if the Indians wanted war, they should have war. He told them that if they would renew the articles which had been agreed to and signed at McIntosh, and at the other treaties, he would add another article, and allow them the privilege of hunting anywhere in the United States' territory, and would deliver over to them a certain quantity of goods, such as might be agreed on. Adjourned.

January 9th.—In council once more. The old Wyandot chief, Shandotto, who spoke for all the nations present, said he was sorry the Governor talked of war. It was not long since both had felt the effects of it. For their part, they wished for no more. He said they all had a great regard for the Thirteen Fires, and would do every thing in their power to accommodate them for the sake of peace; only hoped the line would be removed a little way.

11th.—The articles were signed.

13th.—The goods were given out to the different nations of Indians. The death of General Varnum, one of the judges of the Territory, who was buried this afternoon, is generally lamented. The officers of the fort attended his funeral.

28th.—The Governor, Pennsylvania Commissioners, and sundry other gentlemen attending the grand treaty, left us for Fort Pitt.

GOVERNOR ST. CLAIR TO THE PRESIDENT.

NEW YORK, *May* 2, 1789.

Sir:—I have the honor to lay before you the treaties concluded, in pursuance of the instructions received from Congress on the 26th of October, 1787, and 2d of July, 1788, with several of the Indian nations, in January last. That they were not presented at an earlier period was owing, in part, to my own indisposition; to the severity of the winter, which rendered the communication by the Ohio, for a long time, impracticable; and to the circumstance that the last Congress did not assemble after it was in my power to have sent them forward.

With the treaties, I beg leave to submit the minutes of the proceedings at the different meetings after the nations were assembled, and I have added to them, by way of appendix, all the letters and messages that passed between them and me prior to their assembling. These were communicated to the Secretary of War, from time to time, and though they will, no doubt, be submitted by him to your consideration, I thought it best, as they form a considerable part of the transaction, to connect them in that way, that the whole might be seen together.

By the instruction of July 2d, I was directed to endeavor at extending the northern boundary as far north as the completion of the forty-first degree of north latitude. Besides that, it would have been extremely difficult to have made the Indians comprehend how that was to be ascertained. I found that any attempt to extend the limits at that time would be very ill received, if not defeated entirely, the settling a peace with them; it was, therefore, not proposed, and the boundaries remain as settled at the former treaties, except the rectifying an error about the portage at the Miami village.

The negotiation was both tedious and troublesome, and, for a long time, had an unpromising aspect, but it came, at last, to as favorable an issue as could have been expected; and, I trust, will be attended with consequences friendly to the frontier parts of the United States. There are, however, several nations on the Wabash, and the rivers which empty themselves into it, that are ill disposed, and from whom there is reason to expect that a part of the frontier of Virginia and the settlement forming on the Miami, will meet annoyance; indeed, that they have not been disturbed during the winter was not expected either by me or the chiefs of the nations who met me at Fort Harmar. The Wyandots appointed persons to go to them and inform them of the result of the treaty, and insist upon their desisting from further hostilities, which may have had some effect in producing the late tranquillity.

The claim of the Wyandot nation to the lands reserved to the Shawanese was strongly insisted upon by them, and to be made an article of the treaty—to that I would not consent; but, to satisfy them, and that it might be kept in remembrance, it is inserted at the bottom of it, by way of memorandum. It seems this is a claim that has always been held up, and the reason it was so much insisted on at this time, they said, was, that they were sure that the Shawanese, and Cherokees incorporated with them, would continue to give us trouble; that it could not be expected to be borne with much longer; that they would be driven out of the country, and then it would be claimed and held by the United States, by right of conquest; they further added, that, if the Shawanese continued their depredations, they would, themselves, drive them off. They also proposed that a post should be taken by the United States, at the Miami village, as the surest means to overawe the nations on the Wabash. It is certainly well situated for that purpose, and would command the greatest part of the Indian trade. As it was very uncertain whether Congress might approve of such a measure, as a post so far inland would with difficulty be supported, and were in no readiness to convey it into execution if it should be approved, I desired them to consider well whether it could be done without a contest with the Indians who live there; and whether, in that case, there was not danger of they themselves being involved, through the ungovernableness of their young men. They acknowledged that they thought there was danger of both, but promised to send some of their principal men to the Miamies, and prepare them for receiving a garrison peaceably, and are to give me notice in the spring.

The reason why the treaties were made separately with the Six Nations and the Wyandots, and more westerly tribes, was a jealousy that subsisted between them, which I was not willing to lessen by appearing to consider them as one people—they do not so consider themselves; and I am persuaded their general confederacy is entirely broken; indeed, it would not be very difficult, if circumstances required it, to set them at deadly variance.

The great length of time that elapsed between the appointed period for the meeting and that at which the Indians assembled, during which, numbers of them were constantly going and coming, has increased the expense in the article of provisions considerably; the utmost possible economy, however, was used through the whole of the business, and, in transacting it, I flatter myself with meeting the approbation of Congress.

COLONEL R. K. MEADE[1] TO GOVERNOR ST. CLAIR.

FREDERICK, *May* 4, 1789.

Dear Sir:—This will be handed to you by Colonel William Nelson, formerly of the Virginia line. He is accompanied by Mr. Holmes and my brother, David Meade, who has a letter from Colonel Harrison to you. These gentlemen seem inclined to touch on your shore on their way down the river. I will not, then, from our former intimacy and long military acquaintance, hesitate to take the liberty of introducing them to your kind attention. Sensible of your good disposition, and from a wish to render you any service, I can not think it proper to trouble you with a load of apologies on this occasion, but only assure you of my gratitude. It would afford me infinite satisfaction to visit the western country, but more especially your part of it, where I should have a knowledge of many characters busily employed in improving the works of our Maker and laying a foundation, I conceive, for the happiest and best government in the Union, being peopled chiefly by our hardy and industrious countrymen from the east, who are true republicans, and whose virtue and zeal carried many of them through the war, but, above all, I am told your constitution forbids slavery. This will give you advantages which you have full in your view of things, and, therefore, unnecessary for me to mention. The abolition of slavery, even in these Southern States, is the wish of every liberal mind,[1] and I am inclined to think that the mode of effecting it is the only obstacle. Should I ever quit my present residence, the few I have will be freed by a remove to your quarter, should Congress confirm our locations over the Ohio. I, however, will conclude with observing that the soil and climate where I am are both too tempting to give up for a remoter, though more productive situation—add to this, I am rendered infirm by a severe unmerited gout.

---

[1] Colonel Meade, Aid-de-Camp to General Washington, during the Revolutionary War.

Be assured I sincerely wish you every happiness and benefit to be derived from your office, climate, and soil.

P. S.—Recollecting you are a fellow sufferer from the gout, lest you may not be informed of the several cures, I inclose them.

PRESIDENT WASHINGTON TO THE GOVERNOR OF VIRGINIA.[2]

NEW YORK, *May 16th*, 1789.

Sir:—A letter of the 4th inst. from Lieutenant-Governor Wood has been received, with its inclosures, containing the information of some murders committed by the Indians on the 23d of last month at Dunkeld Creek, which runs into the Monongahela River.

It is with concern that I learn this circumstance, as a treaty had lately been concluded by the Governor of the Western Territory with the Wyandot, Delaware, Ottawa, Chippewa, Pottawatamie and Sac Nations of Indians north-west of the Ohio.

It is most probable that the recent murders have been committed by a party from the remnants of the Shawanese tribe, who are joined by a few renegade Cherokees.

The Governor of the Western Territory, who is here, will soon return to the frontiers, and he will, in conjunction with the commanding officer of the troops, take such measures with the said Shawanese and other refractory tribes as the occasion may require, and the public situation admit.

It would be highly proper in future, in case of depredations south of the Ohio, that information be communicated as early as possible to the nearest post of the troops stationed on the Ohio, in order, if possible, that the banditti may be intercepted.

---

[1] This opinion of Colonel Meade as to the evil effects of slavery, confirms the view expressed in Vol. I. in the discussion of the Ordinance, as to the prevailing sentiment among intelligent Virginia and Maryland gentlemen.

[2] Beverly Tucker.

GOVERNOR ST. CLAIR TO THE SECRETARY OF WAR.

NEW YORK, *June* 14, 1789.

Sir:—I have been honored with your letter of the 12th, and in reply have to observe that, by the resolution of Congress of the 29th of August, 1788,[1] I was directed to repair to the Mississippi, in

---

[1] *The United States in Congress assembled August 29th:*

On the report of a committee, consisting of Mr. Williamson, Mr. Dane, Mr. Clark, Mr. Tucker, and Mr. Baldwin, to whom was referred the report of a former committee respecting the inhabitants of Fort Vincennes:

Resolved, That measures be taken for confirming in their possessions and titles the French and Canadian inhabitants, and other settlers at Fort Vincennes, who, on or before the year 1783, had settled there, and had professed themselves citizens of the United States, or any of them, and for laying off to them, at their own expense, the several tracts which they rightfully claim, and which may have been allotted to them according to the laws and usages of the governments under which they have respectively settled. That four hundred acres of land be reserved and given to every head of a family of the above description settled at Fort St. Vincennes. That the Governor of the Western Territory cause to be laid out, at the public expense, in the form of a square, adjoining to the present improvements at Fort Vincennes, and in whatever direction the settlers shall prefer, a tract of land sufficient for completing the above donation, which tract shall afterwards be divided by lot among the settlers who are entitled to any part of the same, in such manner as they shall agree.

CHARLES THOMSON, *Secretary.*

On a report of the same committee, the following instructions to General St. Clair, Governor of the Western Territory, were agreed to:

Sir:—You are to proceed without delay, except while you are necessarily detained by the treaty now on hands, to the French settlement on the river Mississippi, in order to give dispatch to the several measures which are to be taken according to the acts of 20th of June last and the 28th instant, of which a copy is inclosed for your information. You are to inquire whether there be any Indians who claim the lands on the east side of the Mississippi River, above the mouth of the Ohio, and if there be any such Indians, you are immediately to take measures for holding a treaty with them and extinguishing their claim, at least to so much of the territory as you find described in the aforesaid acts, and to several acts of October 22d, 1787, relative to lands on the Mississippi. If you find it best and cheaper to extinguish the claim of those Indians by agreeing to furnish them annually with a order to hold a treaty with the Indians, who inhabit the country upon that river, for the extinguishing their claims to lands within certain limits, if any such claims existed, and to lay out certain donations of land to the ancient inhabitants. From thence I was to proceed to Post St. Vincennes, upon the Wabash, and lay out like donations for the inhabitants there; but the instructions contained no directions to make any purchase about the post, from a presumption, I suppose, that a cession had been made there to the crown of France. With the remainder of the goods from former treaties, and the warrants I have received from the Board of Treasury, there is sufficient, I suppose, in my hands to defray the expenses of the treaty with the Mississippi Indians, exclusive of the provisions. What they may amount to I can not ascertain, as I am ignorant of the Indian numbers. They are inconsiderable; but an immediate provision for the payment of the provisions, either for that or any other treaty, is not necessary, the contractors being obliged to furnish all rations that may be required by the United States.

---

certain allowance, in corn or other provisions, for a term not exceeding ten years, you will contract accordingly.

When you have examined the titles and possessions of the settlers on the Mississippi, in which they are to be confirmed, and given directions for laying out the reserve land, which the settlers may divide as they shall think best among themselves, by lot, you are to report the whole of your proceedings to Congress.

After you shall have dispatched the several matters committed to your care on the Mississippi, you will proceed to Vincennes, where you are to pursue the measures directed to be taken by the act of this day, and report your proceedings accordingly.
C. Thomson, *Secretary.*

MEMORANDUM BY GOVERNOR ST. CLAIR.

In the act of Virginia for establishing a land office (page 10, Vol. 96, Laws) among other exemptions from taxation, the lands north-west of the Ohio are mentioned (see Laws of 1779, page 112). It was enacted in the same year, that no person should be allowed pre-emption, or any benefit, from settling on the north-west side of said river, and the Governor was desired by proclamation to remove the settlers and prevent others from going on, and to use armed force if necessary; this not to prevent the French and Canadians, or other families, actually settled, etc., etc.

In 1783, Virginia ceded the lands north-west of Ohio to the United States, stipulating that the French and Canadian inhabitants, and other settlers of Kaskaskia, St. Vincent's, and neighboring villages, who have professed themselves citizens of Virginia, shall have their titles and possessions confirmed to them, and be protected in the enjoyment of their rights and liberties.

Act, and also an amendment of the act for establishing a county of Illinois, is mentioned in the same volume, but *private.*

Should it be thought proper to treat with the Indians of the Wabash and Miami, a further sum will be necessary, and I have inclosed an estimate of what the expenses would probably amount to. It appears, indeed, of absolute necessity that the savages should be brought to peace, either by treaty or by force.

It is impossible for me to judge what sum would induce them to extend the northern boundary of the last cession to the Mississippi, neither is it very well known what nations are the proprietors of the country that would be obtained by that extension. Perhaps a provisional power to make such agreements, and limiting the sum, might not be improper, as the expense of another meeting for that purpose might be avoided if the proprietors attended at the treaty in contemplation. The stipulations could be made then, and the payment at an after period.

GOVERNOR ST. CLAIR TO THE BOARD OF TREASURY.

(NO DATE), 1789.

Gentlemen:—General Butler has shown me the accounts you were pleased to mention yesterday. There is a part of them that might be considered as expenses attending the treaty, and would consequently fall under the appropriated money; some part of it is certainly not, the disbursements having been made before the money was granted. It was my opinion that all the communications with the Indians ought to go through him while he was Superintendent, and that, consequently, the expense attending them would be a charge against the public in the general account of the Indian Department. The treaties had no immediate relation to that Department, neither had the Superintendent, as such, any thing to do with the last. The moneys heretofore granted for treaties I did suppose to be distinct also. Should the Board, however, be of opinion that it is proper to bring them under that head, I beg leave to observe that twenty-six thousand dollars are applied to a special purpose, leaving eight thousand dollars only expenses, which amount has already been expended.

BARTHOLOMEW TARDIVEAU TO GOVERNOR ST. CLAIR.

[Extract.]

DANVILLE, *June* 30, 1789.

Sir:—I take the liberty to address your Excellency in behalf of a people who look up to you as their natural protector and benevolent father. The honor I have of a personal acquaintance with your Excellency, inspires we with the confidence that to offer you an opportunity of relieving the distresses of your fellow creatures is to afford to your feeling-heart the highest gratification it may be capable of enjoying. I need not, therefore, offer any apology for troubling your Excellency on this occasion.

During my stay in New York, I took notice [*i. e.* mentioned] to the President, and several other members of the late Congress, of a resolution[1] passed in the year 1787, concerning the Western Federal Territory, the object of which was to prohibit slavery in that country. I then foresaw the evil consequences to the Territory of this act, and the consternation it would produce among the inhabitants of the Illinois country, and communicated my fears to the gentlemen in Congress, demonstrating, at the same time, the illegality of an *ex post facto* law, the operation of which would deprive a considerable number of citizens of their property, acquired and enjoyed long before they were under the dominion of the United States. I would have presented a memorial on the subject, but was told that it was needless, that it would be brought up in Congress, and that there would not be the least difficulty; and as I had already troubled that body with a number of petitions, I refrained. Sensible of the justice of my statement, gentlemen remarked that the intention of the obnoxious resolution had been solely to prevent the future importation of slaves into the Federal country; that it was not meant to affect the rights of the ancient inhabitants; and promised to have a clause inserted in it explanatory of its real meaning, sufficient to ease the apprehensions of the people, but it was not done. Entertaining the most respectful opinion of the justice of Congress, I did not hesitate to say to my constituents that they need not be uneasy about the matter, and whatever reason prevented the modification of the resolution, I was fully confident that a future Congress would give them justice. Unfortunately, my letter never reached the inhabitants of Illinois, but the resolution itself did, and was translated and circulated by the industry of some designing characters with whom your Excellency will have sufficient opportunities of being acquainted hereafter.

The wretched inhabitants of Illinois, who had seen themselves for ten years neglected by that power from which alone they could expect protection, now found that the very first act of attention paid to them pronounced their utter ruin. It was not intended, I know; but it was designedly represented to them, and with many aggravating circumstances rumored that the very moment your Excellency landed at the Illinois all their slaves would be set free. A panic seized upon their minds, and all the wealthiest among them, having but the wreck of once affluent fortunes, have gone to seek from the Spanish Government that security which they conceived was refused to them. The plot has succeeded to a miracle. Imposition has reaped the fruits of her cunning, and obtained for a paltry consideration very valuable estates. Some, however, of the inhabitants have been wiser than the others, and suspecting the snare laid for them have crossed the Mississippi with their negroes, but declined selling their property until they are better informed of the intentions of Congress towards them. Before the evil becomes more general—before a total desertion of the country—it is in your Excellency's power to apply a corrective for the threatening disaster by obtaining from the Federal Government a resolution declaring the true intent and meaning of the original action.[1] . . .

---

[1] The allusion, of course, is to the sixth article or compact of the Ordinance. It would seem from the time referred to that Mr. Tardiveau sought to have the modification introduced into the act passed by the first Congress under the Constitution which confirmed the Ordinance.

JAMES WILSON TO ARTHUR ST. CLAIR.

PHILADELPHIA, *July 13th*, 1789.

Dear Sir:—If you can be brought into Council for the County of Westmoreland, or Alleghany, it is in the serious contemplation of some here to have you placed in the chair of the President of Penn-

---

[1] Governor St. Clair did not apply to Congress for any modification of the Ordinance, not only because he had supported the inhibition at the time, but because he knew the sentiment of the National Legislature was averse to altering the compact at that time. But he confirmed the interpretation put upon the compact; viz: that it was intended to prohibit the further importation of slaves into the North-western country, not to set free those held in bondage at the time of the adoption of the Ordinance—a bondage authorized by French and English laws.

Mr. Tardiveau concluded his communication with an elaborate argument in favor of the repeal of the compact, in which his own selfish interests were prominent. He said: "This partial exclusion from a right which the other States have retained, seems to be in direct contradiction with the spirit of the new Federal Government, which is allowed to make none but general regulations throughout the Union. . . . If the act is not repealed, the Western country will infallibly remain for a long time in a state of infancy. Another consideration of some weight should, in my opinion, have induced Congress to encourage the transportation of slaves into the Western country, instead of discountenancing it. In the present benevolent plan of abolishsylvania. This appointment will probably be continued for three years, even though our Constitution should not be changed. If a change should happily take place, as I hope it will, the appointment may continue much longer. Let me beg of you to spare three days, and come immediately to this city, that matters may be considered and arranged, for there is not a moment to be lost. Write to me as soon as you shall receive this letter.

JUDGE PARSONS TO GOVERNOR ST. CLAIR.

MARIETTA, *August* 23, 1789.

Sir:—We have long expected and most ardently wished your Excellency's return to your government; but we are convinced your absence is necessary, and the welfare of the Territory requires your continuance near Congress. I have only to express my desire that your absence may not be long delayed, and that every thing necessary for the welfare of the government may be accomplished before your return. I see in the journals of Congress a resolution[1] for the

---

ing slavery, two of the greatest difficulties that present themselves seem to be how to dispose of that great number of individuals, and how to reconcile that act of power with the regard shown the right of property. I consider it as a happy circumstance that the United States have an extensive territory situated at a great distance from them, and which may be opened as a drain for the many hundred thousand negroes with which they are at present incumbered. This, by successive transportations without violating the right of property, and without endangering the safety, peace and manners of the whites by a promiscuous intermixture of so many blacks turned loose upon society, destitute of industry, and uncontrolled by the principles of morality, or the habits of good society, an insensible and gentler annihilation of servitude might be introduced in the United States."

[1] Bill drawn up by Governor St. Clair, enacted into a law and approved August 7, 1789. See Appendix.

The Governor's visit to New York had two objects in view, viz: The procuring of legislation necessary for the Territory, the obtaining of money and troops for the exigencies of Indian warfare, and the assisting at the inauguration of General Washington as President, to which he had been invited. This being, in fact, the beginning of Federal government in America, was an event of great interest. He also participated in the social events of the occasion.

On the 19th of May, 1789, Mrs. Washington left Mt. Vernon to join her husband in New York, he having been inaugurated President of the United States. She met with a gracious reception on the way, and, on the 28th, arrived in New York. On the day after her arrival, the President entertained a select circle at a family dinner. Among those present was Vice-President government of this country; if it in any manner changes the former system, I shall feel myself much obliged if your Excellency will favor me with the contents of the bill. On the 14th inst., a party of our surveyors were attacked by the Indians about one hundred and twenty miles down the Ohio from this place; six soldiers were killed dead, and one of the chainmen was wounded, and is

---

John Adams, Governor George Cinton, Major-General Arthur St. Clair, the Count du Moustier (the French Minister), Don Diego Gardoqui (Spanish Minister), John Jay, Senators Langdon, Wingate, Izard, and Few, and Mr. Muhlenburg, Speaker of the House of Representatives. The dinner was plain, and Washington, standing at the head of the table, asked a blessing. After the dessert, a single glass of wine was offered to each of the guests. The President then arose and led the way to the drawing room, and the company departed without ceremony.

We now return to the Territory. Before his departure for New York, the Governor made but few additional appointments, and no more laws were passed, one of the judges having died of consumption. [Judge Varnum had been in ill health for some time.] James Mitchell Varnum was a native of Rhode Island, liberally educated, and had been active in forming the Ohio Company. He arrived at Muskingum in June, and lived only seven months in the Territory.

The official record of Mr. Sargent will show what was done.[1]

(1.) 1789, January 24.—Charles Green was commissioned Coroner. Military appointments—George Ingersoll, Esq., Captain of Artillery; Joseph Prince, Gentleman, First-Lieutenant; William Balch, Gentleman, Second-Lieutenant. Anselm Tupper, Gentleman, was appointed Lieutenant in the militia regiment, *vice* Ingersoll promoted.

April 16.—Enoch Parsons was appointed Commissioner of Register of Deeds for the county of Washington, and Clerk of Court of Probate. Commissioned by the Secretary, May 14th.

After the Governor's return to the Territory:

December 16.—Joseph Gillman, Esq., appointed Judge of the Court of Common Pleas, and Justice of the General Court, and also Justice of the Peace.

December 18.—Judge Gillman was commissioned Judge of Probate, to serve as such during the absence of General Putnam.

December 26.—Following appointments made: Kirkwood, Justice of Peace for Washington county; Ebenezer Sproat, Lieutenant-Colonel of First Regiment; Robert Oliver, Major; Jonathan Morris, Esq., Captain, and John Gray, Gentleman, Ensign. The resignation of Charles Knowles was accepted.

December 28.—Governor St. Clair issued a proclamation authorizing Absalom Martin to erect and keep a ferry (necessary for the convenience of the inhabitants of Washington county), over the Ohio River, from his plantation, nearly opposite Wheeling, to the Virginia shore.

Ebenezer Sproat was reappointed Sheriff.

In announcing the new militia appointments in general orders, the Governor took occasion to say:

The Governor has observed with some regret that little attention is paid to militia duties. Though the settlement is at present in a state of safety, there is a faithless people in the frontier, and a people who may be led to acts of hostility without any provocation from the inhabitants of the Territory. Self preservation, therefore, dictates that they be prepared—the advantages will result to the people themselves, and the penalties of the law will be avoided.

December 30.—The Governor embarked for the Mississippi.

either killed or taken; he could not be found the next day, nor has he since been heard of. The remaining soldiers and surveying party escaped. I hope ere this time I have an agreeable colleague appointed, and that he will speedily arrive. I have been sick about three or four weeks, but have nearly recovered my health again.

The inhabitants in the settlements enjoy good health, and the luxuriance of vegetation promises a very plentiful return for their labor; they have this year four hundred acres of corn and small grain, all of which bids fair to produce in abundance. One grist and saw mill will be completed soon, another by December.

PROCLAMATION BY GOVERNOR MIRO.[1]

His Majesty having been graciously pleased to encourage emigrants to his Province of Louisiana, he has, in his royal bounty, determined to confer upon emigrants the following rights, privileges, and immunities:

To all families consisting of two or three laboring persons he will grant two hundred and forty acres (French measure) of land gratis; to such as consist of four laboring persons, and upwards as far as ten, four hundred acres shall be given; when from ten to fifteen, six hundred; and when from sixteen upwards, eight hundred acres shall be given.

No person shall be molested in religious matters, though no public worship shall be allowed but that of the Roman Catholic Church. From the moment of their arrival in this Province, all persons shall be treated and enjoy the same commercial privileges and protection as the ancient inhabitants, and shall be governed by the same laws and customs; for which purpose his Majesty will establish a commanding officer to protect the settlement against all insults.

This officer will decide the controversies which may arise among the inhabitants, and all differences in matters of interest not exceeding the value of one hundred dollars. From this sum upwards, the said commander will hear the allegations of the parties, direct the proceedings, and transmit the same to New Orleans for the decision of the government, unless the parties shall agree to submit their matters in controversy betwixt them to arbitration, in which case each party shall choose one or two arbitrators, and if they should not agree, the commander shall name another to decide the matter.

---

[1] Governor Miro's titles were Brigadier-General in the armies of his Catholic Majesty, Governor and Intendant of the Provinces of Louisiana and Florida.

Every person emigrating into his Majesty's Province of Louisiana can bring his own property with him in the produce of the country he comes from, such as peltries, tobacco, flax, hemp, cordage, flour, horses, sheep, swine, cattle, salt, and all sorts of provisions, free from duties, with liberty to sell them to any post of the Province, or send the same for their own account to the outpost permitted for commerce to the inhabitants; but, in this latter case, they are to pay the duties established for exportation, which is six per cent.

At their arrival, every head of a family answering for every individual of it, shall take the oath of allegiance to his most Catholic Majesty, binding themselves to take up arms, only in defence of this Province, against any enemy whatsoever that shall attack it. It is his Majesty's intention to establish, within proper distances, Parish Churches, to be served by priests that may speak the English language, but who shall have no right to interfere, in religious matters, with those who may not be Catholics, nor shall any tithes or other pay be exacted from them. All subjects of his Majesty shall have a free market at New Orleans for the produce of their lands or labor, and shall be exempt from all duties and taxes.

It is his Majesty's orders that his laws shall be administered with mildness and lenity, so as to render his subjects as happy as possible; for this purpose, officers who are well qualified are appointed to govern the different settlements.[1]

Given under my hand, at New Orleans, this sixth day of September, 1789. ESTEVAN MIRO.

GOVERNOR ST. CLAIR TO THE PRESIDENT.

NEW YORK, *September* 14, 1789.

Sir:—The constant hostilities between the Indians who live upon the river Wabash and the people of Kentucky must necessarily be attended with such embarrassing circumstances to the government of the Western Territory, that I am induced to request you will be pleased to take the matter into consideration, and give me the orders you may think proper.

---

[1] A proclamation announcing the purpose of his Catholic Majesty was issued by Governor Miro on the 2d September, but it omitted the details contained in the above.

It is not to be expected, sir, that the Kentucky people will or can submit patiently to the cruelties and depredations of those savages; they are in the habit of retaliation, perhaps, without attending precisely to the nations from which the injuries are received; they will continue to retaliate, or they will apply to the Governor of the Western Country (through which the Indians must pass to attack them) for redress. If he can not redress them (and in present circumstances he can not), they also will march through that country to redress themselves, and the government will be laid prostrate. The United States, on the other hand, are at peace with several of the nations, and should the resentment of those people fall upon any of them, which it is likely enough may happen, very bad consequences will follow; for it must appear to them that the United States either pay no regard to their treaties or that they are unable or unwilling to carry their engagements into effect. Remonstrances will probably be made by them also to the governor, and he will be found in a situation from which he can neither redress the one nor protect the other. They will unite with the hostile nations, prudently preferring open war to a delusive and uncertain peace.

By a resolution of the late Congress, the Governor of the Western Territory had power, in case of hostilities, to call upon Virginia and Pennsylvania for a number of men to act in conjunction with the Continental troops, and carry war into the Indian settlements. That resolution, it is now supposed, is no longer in force; the revival of it might be of use, as it would tend to conciliate the western people, by showing them that they were not unattended to; and would, in some measure, justify me in holding a language to the Indians which might obviate the necessity of employing force against them. The handful of troops, sir, that are scattered in that country, though they may afford protection to some settlements, can not possibly act offensively by themselves.[1]

---

[1] This letter was communicated to Congress by the President on the 16th:

Gentlemen of the Senate:—The Governor of the Western Territory has made a statement to me of the reciprocal hostilities of the Wabash Indians and the people inhabiting the frontiers bordering on the River Ohio, which I herewith lay before Congress.

The United States, in Congress assembled, by their acts of the 21st day of July, 1787, and of the 12th of August, 1788, made a provisional arrangement for calling forth the militia of Virginia and Pennsylvania, in the proportions therein specified.

As the circumstances which occasioned the said arrangement continue nearly the same, I think proper to suggest to your consideration the expe-

THE PRESIDENT TO GOVERNOR ST. CLAIR.

NEW YORK, *October* 6, 1789.

Sir:—Congress having, by their act of the 29th of September last, empowered me to call forth the militia of the States respectively, for the protection of the frontiers from the incursions of the hostile Indians, I have thought proper to make this communication to you, together with the instructions herein contained.

It is highly necessary that I should, as soon as possible, possess full information whether the Wabash and Illinois Indians are most inclined for war or peace. If for the former, it is proper that I should be informed of the means which will most probably induce them to peace. If a peace can be established with the said Indians on reasonable terms, the interests of the United States dictate that it should be effected as soon as possible.

You will, therefore, inform the said Indians of the disposition of the General Government on this subject, and of their reasonable desire that there should be a cessation of hostilities as a prelude to a treaty. If, however, notwithstanding your intimations to them, they should continue their hostilities, or meditate any incursions against the frontiers of Virginia and Pennsylvania, or against any of the troops or posts of the United States, and it should appear to you the time of execution would be so near as to forbid your transmitting the information to me, and receiving my further orders thereon, then you are hereby authorized and empowered in my name to call on the lieutenants of the nearest counties of Virginia and Pennsylvania for such detachments of militia as you may judge proper, not exceeding, however, one thousand from Virginia and five hundred from Pennsylvania.

I have directed letters to be written to the Executives of Virginia and Pennsylvania, informing them of the before-recited act of Congress, and that I have given you these conditional directions, so that there may not be any obstructions to such measures as shall be necessary to be taken by you for calling forth the militia, agreeably to the instructions herein contained.

The said militia to act in conjunction with the Federal troops in such operations, offensive or defensive, as you and the commanding

---

diency of making some temporary provision for calling forth the militia of the United States, for the purposes stated in the Constitution, which would embrace the cases apprehended by the Governor of the Western Territory.

GEO. WASHINGTON.

officer of the troops conjointly shall judge necessary for the public service and the protection of the inhabitants and the posts.

The said militia, while in actual service, to be on the Continental establishment of pay and rations. They are to arm and equip themselves, but to be furnished with public ammunition, if necessary; and no charge for the pay of said militia will be valid, unless supported by regular musters, made by a field or other officer of the Federal troops, to be appointed by the commanding officer of the troops.

I would have it observed forcibly that a war with the Wabash Indians ought to be avoided by all means consistently with the security of the frontier inhabitants, the security of the troops, and the national dignity. In the exercise of the present indiscriminate hostilities, it is extremely difficult, if not impossible, to say that a war without further measures would be just on the part of the United States.

But if, after manifesting clearly to the Indians the dispositions of the General Government for the preservation of peace, and the extension of a just protection to the said Indians, they should continue their incursions, the United States will be constrained to punish them with severity.

You will also proceed, as soon as you can with safety, to execute the orders of the late Congress respecting the inhabitants at St. Vincennes and at the Kaskaskia and the other villages on the Mississippi. It is a circumstance of some importance that the said inhabitants should, as soon as possible, possess the lands to which they are entitled by some known and fixed principles.

I have directed a number of copies of the treaty made by you at Fort Kearney with the Wyandots, etc., on the 9th of January last, to be printed and forwarded to you, together with the ratification and my proclamation enjoining the observance thereof.

As it may be of high importance to obtain a precise and accurate knowledge of the several waters which empty into the Ohio on the north-west, and of those which discharge themselves into the Lakes Erie and Michigan, the length of the portages between, and nature of the ground, an early and pointed attention thereto is earnestly recommended.[1]

---

[1] *MS. from Files of the War Department.*

PAUL JONES TO ARTHUR ST. CLAIR.

AMSTERDAM, *Dec. 20th*, 1789.

Dear General:—The written documents from my friend, the Count de Segur, Minister Plenipotentiary of France at St. Petersburg, will show you, in some degree, my reasons for leaving Russia, and the danger to which I have been exposed by the mean subterfuge and dark intrigues of Asiatic jealousy and malice. Your former friendship for me, which I remember with particular pleasure and have always been ambitious to merit, will, I am certain, be exerted in the use you will make of the three pieces I now send you for my justification in the eyes of my friends in America, whose good opinion is dearer to me than any thing else. I wrote to the Empress from Warsaw, in the beginning of October, and sent her Majesty a copy of my journal, which will show her how much she has been deceived by the account she had of our maritime operations last campaign. I can easily prove to the world at large that I have been treated unjustly; but I shall remain silent at least till I know the fate of my journal.

You did me the honor to accept my bust, and I gave orders at Paris in consequence. Mr. Jefferson wrote me, in March last, that the bust was ready. I am arrived here but a few days ago. I saw Captain Earle, who informed me of your being at Philadelphia. I shall write immediately to Mr. Short to send the bust, if it is not already gone. One will be sent, at the same time, to General Irvine, to whom I pray you to present my respectful compliments.

You mentioned to me at New York that you could obtain a letter in my favor from General Washington to the Marquis. Such a letter, *if written with any force*, might eventually, if not in the present moment, be very useful, and I should be very thankful to receive it.

I intend to remain in Europe till after the opening of the next campaign, and perhaps longer, before I return to America.

It is possible the Empress may invite me to return to Russia, though I do not expect it. From the troubles in Brabant, and the steps now taken by the King of Prussia, etc., I conclude that peace is yet a distant object, and that the Baltic will witness warmer work than it has yet done. On the death of Admiral Greig I was, last year, called from the Black sea, by the Empress, to command a squadron in the Baltic. This set the invention of all my enemies and rivals at work, and the event has proved that the Empress can not always do as she pleases. My address is, *under cover*, "à Messieurs N. & J. Van Staphorst and Hubbard, à Amsterdam."[1]

---

[1] This request was complied with by St. Clair, who sent the accompanying papers to the press, with the following letter:

To the Editor—

PHILADELPHIA, [*January*] 1790.

Sir:—Many articles calumniating Admiral Paul Jones having been inserted in the English papers, and copied from thence to those of America, I request you to publish the following translation of a letter from the Count de Segur, Minister Plenipotentiary of France at the Court of St. Petersburg, to the Count de Montmorin, of 21st of July, 1789, and of the certificate accompanying it, which has been published in the *Gazette* of France; also, the translation of a letter from the same gentleman to Count d' Esterns, Minister Plenipotentiary of France at Berlin, and to Chevalier Bourgoign, Minister Plenipotentiary at Hamburg,[1] respecting that meritorious officer, which at the same time that they give pleasure to his many friends in this country, may serve to silence his enemies with respect to his conduct in Russia. It might have been expected that in this country he could have had no enemies, but in every climate envy and detraction will ever be the attendants on superior merit. I am, sir, etc.,

ARTHUR ST. CLAIR.

COUNT DE SEGUR TO COUNT DE MONTMORIN.

Monsieur le Count:—The enemies of Rear-Admiral Paul Jones having caused reports extremely destitute of foundation to be circulated with respect to the journey which that general officer is on the point of undertaking, I would wish that the following article, for the truth of which I make myself responsible, were inserted in the *Gazette* of France, and in the other public papers that have the sanction of your department. That article will set those right whom calumny has deceived, and prove it to the friends and fellow-citizens of the Rear-Admiral, that he has here sustained the reputation which his bravery and his talents had acquired him during the last war; that the Empress wished to continue him in her service, and that if he absents himself from it at this moment it is of his own mere notion, and for particular reasons which do not in the least affect his honor. The glorious marks of the goodness of the King, and how much he was satisfied with him which Mr. Paul Jones bears; his attachment to France, which he served usefully in the common cause; the right he has to the protection of the King's Ministers as a subject and Admiral of the United States, and my personal friendship for that distinguished officer, with whom I made a campaign in America, are so many motives that seem to justify me in the interest I have taken in every thing that concerned him since he has been in Russia.

I have the honor to be,

THE COUNT DE SEGUR.

---

(1) That letter is not found among the St. Clair Papers.

BRIGADIER-GENERAL HARMAR TO MAJOR-GENERAL KNOX.

HEADQUARTERS, FORT WASHINGTON, *January* 14, 1790.

Sir:—I have the honor to acknowledge the receipt of your letter of the 29th of October last, to which I shall now particularly reply.

The Governor of the Western Territory arrived at this post on the 2d inst., and departed from hence on the 5th for the Illinois country. I furnished him, agreeably to his request, with an escort of fifty chosen men, under the immediate command of Lieutenant Doyle. Major Wyllys accompanies him on this tour. I did not leave the Muskingum until the 24th ultimo, being detained so long waiting for his and the paymaster's arrival there. We were four days upon our passage. The distance from thence to this garrison (which is directly opposite the mouth of Licking River) is about three hundred miles. Major Doughty is left to command at Fort Harmar.

This will be one of the most solid, substantial wooden fortresses, when finished, of any in the Western Territory. It is built of hewn timber, a perfect square, two stories high, with four blockhouses at the angles. I am particularly indebted to Captain Ferguson and Lieutenant Pratt for their indefatigable industry and attention in forwarding the work thus far. The plan is Major Doughty's. On account of its superior excellence, I have thought proper to honor it with the name of Fort Washington. The public ought to be benefited by the sale of these buildings whenever we evacuate them, although they will cost them but little.

About forty or fifty Kentucky boats have begun, and will complete it. Limestone is the grand mart of Kentucky; whenever boats arrive there they are scarcely of any value to the owners;

THE ARTICLE FROM THE GAZETTE OF FRANCE.

ST. PETERSBURG, *July 25th*, 1789.

Rear-Admiral Paul Jones being on the point of returning to France, where very particular affairs demand his presence, he has had the honor to take leave of the Empress on the seventeenth instant, and to be admitted to kiss Her Imperial Majesty's hand. That general officer, so celebrated for the brilliant actions he performed during the course of the American war, was called, in 1787, to the service of Her Imperial Majesty, and the command of the troops of war stationed upon the Leman during the campaign of 1788 was confided to him. Pleased with his conduct during that campaign, and satisfied with his services, the Empress would not grant him permission to withdraw himself but for a limited time, and preserves to him his rank and appointments.

they are frequently set adrift, in order to make room for the arrival of others. I have contracted for the above number for the moderate price of from one to two dollars each; thus much for the plank work. All other expenses (wagon hire, nails, and some glass excepted) are to be charged to the labor of the troops. The lime we have burned ourselves, and the stone is at hand. Be pleased to receive the inclosed plan of the fort. The distance between the Little and Great Miami is twenty-eight measured miles. Near the Little Miami there is a settlement called Columbia; here (seven miles distant from Columbia) there is another named Losantiville, but lately changed to Cincinnati, and Judge Symmes himself resides at the other, about fifteen miles from hence, called the Miami City, at the north bend of the Ohio River. They are, in general, but small cabins, and the inhabitants of the poorer class of people.

. . . .

By the latest advices from Major Hamtramck, he writes me that he had manœuvered in such a manner as to divide the Weea Indians, and that eighty of their warriors had come into Post Vincennes, and put themselves under the protection of the United States. This may be considered as a very favorable circumstance, provided these yellow gentry adhere to their allegiance.

GOVERNOR ST. CLAIR[1] TO MAJOR HAMTRAMCK.

FORT STEUBEN, *January* 23, 1790.

Sir:—I have inclosed a speech to the Indians of the Wabash and those of the Miami village, which I must take the liberty to request you will get forwarded to them, and, as the persons who may be employed for that purpose will probably be Frenchmen, it may be necessary to get it translated into the French language, that, at least, they may be able perfectly to convey the meaning of it to the Indians, which they might be at a loss to do from the English copy. It is much the wish of the general government that peace may be established with those people, and the trial to effect it must be made. Should it fail, there is no doubt but an attempt must be made to chastise them. From the length of time you have been in the Wabash country, your thoughts must have been sometimes turned to that object, and to receive any observations you might think proper to communicate would be esteemed a favor. I am now on my way to Kaskaskia, and after having put things on some order there, hope to have the pleasure of meeting you at Fort Knox.

---

[1] While *en route* for Kaskaskia, the Governor stopped at Fort Washington (then being built by Major Doughty, under direction of General Harmar), to organize civil government. In Major Sargent's journal I find this entry: "Losantiville, January 2d, 1790.—The governor arrived here this morning, and will probably be detained by public business until the 4th, when he expects to take his departure for Kaskaskia." A good deal was accomplished

It is with great pain that I have heard of the scarcity of corn which reigns in the settlement about the Post. I hope it has been exaggerated, but it is represented to me that, unless a supply of that article can be sent forward, the people must actually starve. Corn can be had here in any quantity, but can the people pay for it? I entreat you to inquire into the matter, and, if you find that they can not do without it, write to the contractor's agent here, to whom I write you orders to send forward such quantity as you may find to be ab-

---

in that time, as will be shown from the following extracts, taken from manuscript Journal of

OFFICIAL RECORDS.[1]

Appointments were made as follows:

William Goforth, William Wells, and William McMillan, judges of the court of common pleas and justices of the court of general quarter-sessions of the peace. They were also commissioned justices of the peace and quorum in Hamilton county. Jacob Topping, Benjamin Stites, and John Stites Gano, also, as justices of the peace. John Brown, gentleman, as sheriff.

Military.—Captains: Israel Ludlow, James Flinn, John S. Gano, and Gershum Gard. Lieutenants: Francis Kenedy, John Ferris, Luke Foster, Brice Virgin. Ensigns: Scott Traverse, Ephraim Kibbey, Elijah Stites, John Dunlap.

January 5th.—The Governor issued a proclamation, directing that "the justices of the peace hold their courts of general quarter-sessions of the peace at the town of Cincinnati, on the first Tuesdays in February, May, August, and November; and the judges of the court of common pleas hold their courts at the same place on the first Thursdays of May and November."

January 8th.—The Governor arrived at the rapids of the Ohio, where the following appointments were made: William Clark, of Clarksville, justice of the peace, and also captain of the militia in the town and vicinity; John Owens, gentleman, lieutenant.

---

(1) 1790, January 2d.—His Excellency arrived at Fort Washington in the purchase of Judge Symmes, and on the 4th was pleased to order and direct that the whole of the lands lying and being within the following boundaries—viz: beginning on the bank of the Ohio River at the confluence of the Little Miami, and down the said Ohio River to the mouth of the Big Miami, and up said Miami to the Standing Stone Forks or branch of said river, and thence with a line to be drawn due east to the Little Miami, and down said Little Miami River to the place of beginning—should be a county by the name and style of the county of Hamilton, and the same was accordingly laid off agreeably to the form which has been transmitted to Congress.

solutely necessary. They must pay for what they can of it; but they must not be suffered to perish. And, though I have no direct authority from the government for this purpose, I must take it upon myself.[1] . . .

Governor St. Clair to the Secretary of War.

Fort Steuben, *January* 26, 1790.

I have great confidence in the friendly disposition of the Wyandots, and their influence over many of the tribes is considerable. The Miamis, and the renegade Shawanese, Delawares, and Cherokees, that lay near them, I fear are irreclaimable by gentle means. The experiment, however, is worth the making; and, at any rate, I do not think we are yet prepared to chastise them. That is a business which should be well considered, and there are arrangements to be taken in case of the necessity of doing it, that would, at present, be inconvenient.

The idea which you have suggested to General Harmar he has communicated to me, from the little probability, I suppose, he thought there was that Major Doughty,[2] who arrived here yesterday, would meet me here, and the impropriety of committing to writing at the hazard of a miscarriage.

---

[1] From Major Hamtramck's reply, which was dated from Post Vincennes, March 19th, I take the following paragraphs:

I have, on the 16th, sent one Captain Fred. Gamelin with the speech, and when he arrives at the Vermilion he will know if it will do for him to proceed further without risking his life, and go to the Miami, if possible.

By the Indians, who are constantly coming into the village, I am informed that the Wabash Indians will readily make peace with us, but that they will in a very great measure be governed by the Miami Indians, who have threatened for a long time past to chastise them for keeping an open communication with us. Mr. Gamelin has promised me that if he goes to the Miami he will inform me from there of his prospects, and the moment I receive his information, I shall have the honor to write to your Excellency the particulars.

I have this day sent a boat to the Falls for 800 bushels of corn, which I shall deliver to the people of the village, who are in a starving condition; so much so that on the 16th instant a woman, a boy about thirteen, and a girl of about seven years were driven to the woods by hunger, and poisoned themselves by eating some wild roots, and have died of it.

[2] Major Doughty was charged with a mission of peace and good-will to the Southern Indians, which it was hoped would put a stop to the murderous incursions from that section. After he had reached the point of his destination, and was on his return, he was attacked, and nearly all of his men killed and wounded.

How far the establishing a post at the Mussel Shoals will answer the ends in view, I am not able to form any judgment of, as I am very little informed about the country to which it will relate. It is most probable that the Chickasaws and Choctaws will be pleased with it; but that particular place is more than three hundred miles up the Tennessee, and there is no communication by land with any of the settlements, that I can hear of. The number of men you propose for it is certainly not too great, but where are they to come from, unless an addition is made to those already on foot? Two or three companies of riflemen, added to General Harmar's regiment, would contribute much to its utility. In my opinion, it would then be small enough for the service expected from it now.

Some blankets, etc., I could have supplied Major Doughty with, but not in such quantity as to have been much use, without leaving myself too bare, and, unless he could have had a tolerable assortment, he thought, with me, that, on this occasion, it was better to be without altogether. I have supplied him with a quantity of silver-ware, and that will enable him to make some acceptable presents to the chiefs, and some vermilion.

To-morrow morning I hope to take my leave of this place for Kaskaskia, from which I will take the first opportunity to write you again.

P. S.—I have this moment got an account of three men being killed within twelve miles of Danville, at Carpenter's Station, and three more being killed, and a settlement broken up, on Russell's Creek, about forty miles from that place. Russell's Creek is a branch, I am told, of Green River.

GENERAL HARMAR TO GOVERNOR ST. CLAIR.

FORT WASHINGTON, *February* 20, 1790.

Dear Sir:—I have had the honor of receiving your letter from Fort Steuben, dated the 26th ult., and observe that your detention so long there was occasioned for want of provisions. We have been upon the point of starvation here ever since my arrival. I have no great opinion of Major Doughty's mission, and another is on foot which I think to be really difficult and hazardous. The copy of the secret letter sent me from the War Office I do not think proper to commit to paper, for fear of accident, but Lieutenant Armstrong (whom I have ordered to undertake the tour, if possible) can fully inform you the nature of the business, as the contents of the letter have been communicated to him, and he has taken notes in such manner as to be able to give you an exact copy of it. I have written to the War Office that I wished very much to have your Excellency's opinion upon this subject before I ordered the officer to proceed. I must, therefore, beg that you will be pleased to give it. It seems very much depends on the too adventurous establishment. If your Excellency should be of opinion that it is advisable for him to undertake it, be so kind as to afford him your advice and assistance upon the occasion, as it is impossible for me, at this distance, to make the necessary arrangements for that purpose. This is the subject that the Secretary of War has written you that we were to consult about. Mrs. Harmar desires to be remembered most affectionately to you and Major Sargent.

MAJOR DOUGHTY TO MAJOR WYLLYS.

ANCE DE LA GRAISE, 25*th March*, 1790.

My Dear Friend:—On the 22d instant, about two hundred and thirty miles up the Tennessee, I was attacked with great force by a party of Indians. Out of fifteen men, they killed six and wounded five more, so that I have only four left. We fought them four hours, and then escaped in this distressed situation. I found it impossible to ascend the Ohio, or, after I reached the Mississippi, to ascend it. My wounded men were in so distressed a situation as to require immediate assistance. The only resource left me was to come to this place, where I have met with every civility I could wish from Mons. Fouchet, the commanding officer.

You know what must be my feelings. May I beg and entreat of you immediately to forward me a good pilot and ten men, to bring me and my boat to Kaskaskia, where I wish to see you. For God's sake send immediately. Order them to take the west side of the river, for fear they pass the post, for there is an island opposite. They need bring no provisions, for I have enough to last us until we arrive at Kaskaskia.[1]

---

[1] The expedition of Major Doughty was to the Cherokees, to see what could be done toward engaging their friendship for the Americans. The result is seen. General Harmar, in a letter to St. Clair, under date of February 20th, 1790, said: "I have no great opinion of Major Doughty's mission."

MAJOR HAMTRAMCK TO GOVERNOR ST. CLAIR.

FORT KNOX, POST VINCENNES, *April* 19, 1790.

Sir:— . . . I wrote by Lieutenant Armstrong, who had dispatches for your Excellency and left Fort Knox on the 19th of last month on his way to Kaskaskia, by whom I had the honor to inform your Excellency that I had sent a messenger with your speech to the Indians. He went no farther than the Vermilion, where he got insulted by one of the Vermilion Indians, who told him if he went farther he would take his life, which occasioned him to return to this post. Finding that the Indians of the Vermilion had received your speech with pleasure as a nation, and had given their answer, which was friendly, though not a definite one, I concluded that the business could not get aground in consequence of an insult by an individual, as I knew he had a particular resentment against the interpreter that went with the messenger. I, therefore, dispatched another one, who I suppose is by this time near the Miami; he went away the 1st of April. I had made some advances to the first messenger (it being the custom of the place). I should be glad if you will be so good as to inform me whether I shall pay him for the time he was absent or not. . . . This day a boat arrived from the Falls, which brings an account of Major Doughty's being defeated, and himself killed,[1] on the Cherokee River. The Indians of the Miami continue their depredations on the Ohio. About four weeks ago they took two boats near the mouth of the Scioto, and, shortly after, they perceived three others coming down together, who, after a chase of fifteen miles in one of the boats they had taken before, obliged the people to abandon two of the three boats to save their lives. In one of them were twenty-six horses and merchandise—supposed to be worth twelve or fifteen hundred pounds—the property of Hart & Rochester, of Hagerstown; besides, several pair of saddle-bags, some of which contained cash and various other articles not easily ascertained. The 12th of last month, about fifteen miles below the rapids, they took another boat loaded with salt, coming up from Bullett's Lick, and killed the people. On the 13th, they killed a man at Mr. Lanacaghe's Station, which is about two and one-half miles above the garrison, at the Falls. All of these affairs, I am afraid, obstruct the pacific desires of the United States toward the Indians.

---

[1] Major Doughty was not killed. See his letter of March 25th, *ante*.

GOVERNOR ST. CLAIR TO THE SECRETARY OF WAR.

CAHOKIA, *May* 1, 1790.

Sir:—Since my last to you, which was of the 7th of March, I have received three letters from Major Hamtramck; the first, of the 23d of February, in which he informs me that he had not then sent forward the message to the Indian towns on the Wabash, because there were few of them; they had not returned from their winter hunt. Those to whom he had had an opportunity to communicate it were very much pleased with the disposition of the government towards them, and very desirous of peace. One, in March, which informs me of his having sent the message, and, on the 19th ult., which informs me of the messenger's having proceeded as far as the Vermilion. The message was well received by the nation, and they returned a friendly, though not a definite, answer; but he was insulted by an individual, and his life threatened if he proceed farther; in consequence, he returned to Fort Knox. The Major, understanding that there was some private difference between the person that served as interpreter, did, on the first of April, send forward another messenger, and he has inclosed to me his letter to him from Quetepiconnuais, which is about fifteen miles higher than Ouiatenon, of the 15th ult., a translation of which is inclosed. By that letter, you will perceive that every thing seems to be referred to the Miamies, which does not promise a peaceable issue. The confidence they have in their situation, the vicinity of many other nations not very well disposed, and the pernicious counsels of the English traders, joined to the immense booty obtained by the depredations upon the Ohio, will most probably prevent them from listening to any reasonable terms of accommodation, so that it is to be feared the United States must prepare effectually to chastise them, and the consequence of not doing it may, very probably, be the defection of those who are now at peace with the entire loss of the affections of the people of the frontiers. If, however, there is any probability that the posts in the possession of the British will be soon given up, it may be yet unnecessary, and I would fondly hope measures have been taken by the Government on that head with the Court of London. The recalling the Minister when that business was in train, always appeared to me as a very hasty and inconsiderate step.

Much mischief, I am informed, has been done this spring upon the Ohio, of which, however, I have no authentic or particular account, except such as Major Hamtramck has given me. We seem to be here in another world that has no connection with the one we lately left. He ascribes the depredations all to the Miamies. About four weeks before the date of this letter, two boats were taken near the mouth of the Scioto; and soon after this, another appearing, they gave chase in one of their prizes, and forced the people to abandon two, in one of which were twenty-six horses and merchandise to the value of twelve or fourteen hundred pounds, money and other things of value, the property of some persons from Hagerstown; and on the 12th of April, about fifteen miles below the Rapids of the Ohio, they took a boat laden with salt, going up to Louisville; and on the 13th, killed a man twenty-seven miles above Fort Steuben at a settlement which had been begun there, and which was broken up by it.

I have been much engaged, since my being here, in receiving and examining the claims of the inhabitants, which has consumed more of my time than I had any idea would have been necessary; but they are the most ignorant people in the world. There is not a fiftieth man that can either read or write, the consequence of which has been that every thing where they were parties has languished extremely. Though they are ignorant, they seem to be the gentlest, well-disposed people that can be imagined, and their manners are better than might have been expected, considering their ignorance, the want of proper government, and the grievous oppression under which they have groaned since they fell under the American dominion. The business of the surveying has gone on very slowly from that cause, and from an incursion of Kickapoos. On the 31st of March four French were fired upon by them up the Kaskaskia River, about twenty-seven miles from the village, three of whom were taken and the other wounded. They pretended to be sorry for what they had done when they found them to be Frenchmen, and let them go, after exchanging with them their old fusees for their rifles. Their numbers were reported by the prisoners to amount to eighty, but it is not probable they were so numerous. I had it not, however, in my power to make any discovery, for the whole party were absent but six men, having been obliged to detach a part to the Ohio for provisions immediately on my arrival, and to make another detachment to the Ance de la Graise, to bring up Major Doughty. The village was also, unfortunately, very weak, as it always is at this season, the greatest part of the young men being absent on voyages, either to New Orleans or Michilimackinac. Indeed, if a force sufficient could have been collected, it would have been difficult, if not impossible, to have led them in quest of them, for of all the people that I have ever seen, though many of them speak the Indian languages, and all of them are acquainted with their manners, they dread the Indians the most. All I could do was to establish, with the few soldiers and the inhabitants, patrols, to secure the village from a surprise in the night, which a body of the force reported might have accomplished, and laid it in ashes. I would have immediately sent to their towns, but could find no person who would undertake to carry a message; nor, after my arrival here, would I venture upon it, on account of the state of our provisions; for, though I should have desired one or two of the chiefs only, as many more as they thought proper would have attended them. As yet I have no account of the boat that was sent for provisions, but, as it must arrive soon, if ever, and Major Doughty brought with him a small quantity of flour, I did, on the 25th, send off to their towns a French translation of the inclosed message. In that I have not mentioned the affair at Kaskaskia, because I had been informed of the return of the party to their town, and that it had disturbed them so much as to produce a quarrel, and the discussion of it would, I thought, be as well, or better here with their chiefs, if they came. I sent the message in French because it was necessary to intrust it to a Mr. May, who resides at a small village on the Illinois River, commonly called Au Pè, the place where the Peoria Fort stood, where there are five or six French families. He had been appointed Commandant of that place by General Clarke, and, as he is a person of influence among the savages, it was proper to pay some respect to him. Mr. Armstrong has been here for some time, in consequence of your communications to General Harmar, who made me acquainted with them by him. It is, sir, I believe, at present, altogether impracticable. It is a point on which some people are feelingly alive all over, and all their jealousy awake. Indians to be confided in, there are none; and if there were, those who would be most proper, and others, are now at war; but I have explained myself to Captain Armstrong for General Harmar's information, who will communicate it to you from a place whence there is less risk of dispatches miscarrying. I am extremely anxious to have the business in this country put in such a train as that I can leave it, for, I doubt not, but it is necessary enough that I should be upon the Ohio. The people will be very clamorous at the interruption the navigation of that river meets with, though what I could do for their security I really do not see, for, from the best information, if in other respects it was proper to make up of the force which I am unable to call for, the exportations to New Orleans have been so great that it would be utterly impossible to supply them with provisions before harvest, nor for a considerable time after it, as it is generally pretty far in the fall before the mills can grind, from the lowness of the waters. If force must be employed against the savages, and there is but too much appearance of it at present—measures must be taken beforehand, and some better dependence for their support than can be put upon the present contract. The force, too, is very far from adequate to the end, and must be collected from such distances as can not fail to consume a good deal of time before it could be in a situation to move. But I will take another opportunity to give you my sentiments on that subject more at large, which you may compare with Major Doughty's, who is a pretty adequate judge. It is also necessary that I should be at Fort Knox by the time the Indians arrive there, for, inconvenient and expensive as it is, at all times, to have them collected in any number, it would be peculiarly inconvenient this season, when that garrison is so scantily and precariously supplied.

It will, however, be probably a fortnight before the Kickapoos arrive, if they come at all, and I shall desire Major Hamtramck to send an escort by that time, for that which came with me will be necessary to take the boats back up the Ohio. You may perhaps wonder that I should send for the Kickapoos to this place when I expect the other nations at Fort Knox. The reason was that a part of that nation living at no great distance from hence, and far from the rest, and hunting constantly in this country, it appeared of consequence to conciliate them if it could be done, and thereby procure safety for the people in the mean time. Baptiste Du Coigne, whom you may remember with the Marquis de Lafayette, is the chief of the Kaskaskia nation, and settled in Kaskaskia. I have been plagued with a great many of his talks. The nation is very inconsiderable, and I do not think it necessary to trouble you with them at present. He himself is the greatest beggar I have met with among nations who are all beggars. He counts no little upon his having been with the American troops in Virginia, and so far he merits some countenance. In the country below the Kaskaskia there are a great many Piankeshaws, not over friendly, though they make great professions. They wanted much to visit me at Kaskaskia, but I declined it, informing them that I had sent to their chiefs, and when their answer arrived I would inform them; but that did not prevent about the whole of them with a war chief coming in, and since I left that place there have been many more, in consequence of one of their parties being attacked upon the Saline River, which empties into the Ohio below the Wabash, by the Chickesaws. They had three killed and wounded, and are very heartily frightened. The Spaniards also begin to feel the Indian resentment likewise, but from what cause I have not yet discovered, but I think they are more probably set on by the English traders, who have found their way to the River au Moine, and it is said from thence into the Missouri by land. They have stolen from them a prodigious number of horses, and every settlement on the Mississippi from St. Genevieve to St. Louis, is abandoned. The Ottowas and Sacs are gone to war against them. I met a party of fifty of them who were going up the Merrimaz River, and expected to be joined by the Shawanese, many of whom are settled on the Spanish side as well as the Delawares. They do not, however, like the country, and had proposed to request permission to return to this side, and many of them actually were there, but on this stroke of the Chickasaws, they removed with the greatest precipitation.

. . . The distress of the inhabitants at St. Vincennes is extreme. Several persons, driven to the woods in quest of food, have perished by eating roots that proved poisonous. But it is at present a little alleviated by the arrival of some of the corn which I had requested the contractors to provide for them, and without which a great part of them must have died. The inhabitants here are not much better off—many of them have not grain for seed—but here they get venison and fish, so that they will not perish, though the want of bread of any kind is a very sore evil.

Of what is passing in your quarter, or in the European world, we know as little as the man in the moon. For pity sake, send some newspapers. I never before thought them of any consequence—they will now be a great treat.

I forgot to mention that Major Doughty, knowing our situation, purchased and paid for with his own money, a quantity of flour he met with for sale on his way from Ance de la Graise, and delivered it here. Without that I could not have ventured to send for the Kickapoos, how necessary soever it might have been, and to quiet the minds of the inhabitants it was very necessary, had there been no other reason.

SPEECH OF GOVERNOR ST. CLAIR TO JEAN BAPTISTE DU COIGNE.[1]

CAHOKIA, *May* 8, 1790.

Mon Fils :—C'est avec beaucoup de satisfaction que j'ai reçu les félicitations que vous m'avez faites sur mon arrivée dans ce pays-ci. Moi et les autres messieurs que vous voyez autour de moi, rendent grâces à Dieu, qui nous a gardés et soutenus pendant un voyage assez long et pénible. J'ai un grand plaisir en vous voyant et à vour serrer les mains en temoignage de mon amitié. Le ferme attachement que vous avez montré aux Etats-Unis de l'Amerique est bien connu, et en conséquence vous avez droit à beaucoup de respect.

Il est vrai, mon fils, que vous n'avez vu personne qui venait de la part du Gouvernement des Etats, et c'est moi qui suis le premier envoyé. J'ai retardé longtemps le terme fixé pour mon arrivée, cela par des causes diverses et inévitables, mais les Etats-unis n'oubliaient point leurs amis et les peuples de ce pays sont leurs enfants, qu'ils n'abandonneront jamais.

Mon cœur, mon fils, est affligé par rapport aux injures que vous avez souffertes. Je sais bien que vous êtes entouré par des nations folles et cruelles qui aiment à avoir les mains trempées dans le sang; mais j'ai bonne espérance que fin sera mise à leurs déprédations, parceque je suis venu comme ambassadeur de paix pour tous les peuples qui habitent ces terres. S'ils écoutent les bonnes paroles que je leur ferai entendre, ce sera pour leur propre bonheur et celui du genre humaine. Tous, eux et nous autres, puissions suivre nos occupations avec bon cœur, les jeunes gens croîtront et fleuriront comme les arbres verts, et l'abondance se trouvera sous leurs pas; mais, mon fils, ce n'est que jusqu'à une certaine mesure que les mauvais procédés peuvent être supportés; ou alors la patience devient de la faiblesse, reproche du quel les Etats-Unis s'éloigneront toujours. S'ils m'écoutent, bien; s'ils ne m'écoutent pas, eux-mêmes en subiront les conséquences. La paix fait les délices des Etats-Unis, mais aussi en guerre ils sont formidables, et vous, Du Coigne, en avez été le témoin oculaire. Croyez-moi, mon fils, ce ne sera pas tojours un opprobre d'avoir été leur ami.

Mon fils, j'ai toute la confiance du monde dans la sincérité de vos paroles, qui viennent du fond de votre cœur, et que vous ne parlez pas des terres seulement. Moi aussi, je vous le dis avec toute la sincérité possible, je suis bien aise de vous voir, je suis touché de vos malheurs et je tâcherai de les adoucir.

---

[1] Chief of the Kaskaskia Indians.

Ce que vous m'avez dit, mon fils, *touchant l'eau-de-vie, n'est* que trop vrai. L'excès de cette boisson fait véritablement la ruine des Indiens, mais c'est une passion, si indomptable chez eux, qu'il est tres difficile de les retenir. Aussi il n'est pas facile de détourner les blancs de faire cette espèce de commerce, parceque dispersés, comme vous l'êtes souvent dans les bois, on peut en porter chez vous en cachette et par conséquent avec impunité; et s'il était possible d'empêcher les Americains et les Français de faire le commerce entièrement, il y en a d'autres qui le feraient, et si non, ils iraient eux-mêmes en chercher chez les Espagnols; pourtant nous tâcherons de mettre quelque borne à cette affaire-là.

L'amour, mon fils, que vous montrez pour l'endroit de votre naissance, où les cendres de vos ancêtres sont déposées, est un sentiment de la nature et de générosité sur lequel je suis parfaitement d'accord avec vous. J'espère que le bon Dieu ne quittera jamais ce pays-ci, et quand vous aurez atteint le nombre de jours qui vous est assigné, que vous aurez une sépulture honorable avec tous les rites de la religion.

L'inclination, mon fils, que vous avez de voire le culte de Dieu établi, et qu' une grande attention soit donnée à l'élêvement des jeunes gens, me plaît extrêmement, et je suis affligé de voir que les prétres ont à se retirer. Certainement je ne les rappellerai qu'à la fin, et espère que vous suivrez le bon chemin, et que la jeunesse sera instruite de ses devoirs envers Dieu, envers les hommes et envers les uns les autres.

Vous pouvez assurer les Piorias, et les Cahokias de ma bonne volonte pour eux, et que j'avertirai le President des Etats-Unis, le Genêral Washington que vous connaissez, et qui, à cette heure, est le chef de tous, civils et militaires, du désir qu'ils ont de retourner en ce pays.

Le commissaire vous donnera de la poudre, pour aider vos gens qui sont à la chasse.

---

[1] Following is a translation of the above:

My son:—It is with much pleasure that I have received the congratulations which you have offered me upon my arrival in this country; I and the other gentlemen whom you see around me render thanks to God, who has guarded and sustained us during a very long and wearisome journey. I have great pleasure in seeing you, and in taking you by the hand in witness of my friendship The firm attachment which you have shown to the United States of America, is well known, and consequently you are entitled to much respect.

It is true, my son, that for a long time you have seen no one who has come from the government of the States, and I, who am the first envoy on

William St. Clair to Governor St. Clair.

Kaskaskia, *May 16th*, 1790.

Dear Sir:—Mr. John Du Moulin and myself arrived at this

---

their part, have been hindered a long time after the time fixed for my arrival, by many inevitable accidents; but the United States never forget their friends, and the people of this country are their children, whom they will never abandon.

My son, my heart is troubled on account of the injuries which you have suffered. I know well that you are surrounded by foolish and cruel nations, who love to have their hands steeped in blood; but I have good hopes that an end will be put to their depredations, because I am come as the ambassador of peace to all the people who dwell in this land. If they will listen to the good words which I shall speak to them, it will be for their own happiness and that of the human race—all, they and ourselves, then can follow our occupations with good courage, and the young people will grow and flourish like the green trees, and abundance will be found beneath their steps. But, my son, it is only to a certain point that evil proceedings can be suffered; after that, patience becomes feebleness, a reproach from which the United States at all times withdraw themselves. If they will listen to me—good; if they will not listen, they will suffer the consequences.

Peace is the delight of the United States, but they are also formidable in war; of that you, Du Coigne, have been the eye-witness. Believe me, my son, it will not always be a disgrace to have been their friend.

My son, I have all the confidence in the world in the sincerity of your words, that they come from the depths of your heart, and that you do not speak with the lips only. I also tell you, with all possible sincerity, that I am very glad to see you, that I am touched by your misfortunes and that I shall try to soften them.

That which you have told me touching brandy is but too true. This excess in drinking is verily the ruin of the Indians, but they have such a passion for it that it is difficult to restrain them; it is not easy, either, to deter the whites from this species of commerce, because, scattered like you through the woods, they can carry it to you secretly, and consequently with impunity. And if it were possible to hinder the Americans and the French entirely from carrying on this trade, there are others who would do it, and if not, they would go and seek it themselves from the Spaniard; however, we will try to put some limit to this traffic.

The love, my son, which you show for the place of your birth, where the ashes of your ancestors are deposited, is a sentiment of nature and of generosity in which I am perfectly in accord with you. I hope the good God will never forsake this country and that when you have run the number of days that are assigned to you, you will have an honorable burial with all the rites of religion.

The inclination which you have, my son, to see the worship of God established, and that a proper attention should be paid to the education of the young people, pleases me extremely, and I am troubled to know that the place on Wednesday evening last, without meeting with any accident; however, I wish to inform you that there are thirteen Ottawas and some Pottawatamies said to be gone from St. Joseph on an expedition. Their destination I am not acquainted with, but it is probable they may be lurking about the villages or on the road. I thought proper to give you this information, as, perhaps, some of the gentlemen might be in danger of risking themselves too far in the prairie. Mr. H. Armstrong arrived here on Friday last, and is trying to get a pirouge to go forward to Cahokia to-morrow morning. He brings intelligence that the Indians on the Ohio are now worse than ever. There were three boats, with twenty-six men, pursued by twenty-two Indians above the Falls. They abandoned two of the boats and got off, leaving a great number of horses and dry-goods to the mercy of the Indians, and thought themselves well-off to get clear on such terms. The Indian party was commanded by a Captain Snake, whom I suppose to be a Delaware chief. There has been a number of boats pursued, and many men killed. Mr. Armstrong has brought no letter for your Excellency, as Mr. Baire has informed me; two hundred bushels of corn are arrived, and some few barrels of flour and beef, with Mr. Armstrong. I shall set out for the Cahokia on Wednesday evening. I hope I shall have the honor of seeing your Excellency on Thursday evening. Please to make my compliments to Mr. John Murray and the rest of the gentlemen. I am sorry to hear that the gout has lain you up this some days past. I hope it will not be of any duration; my best wishes for your speedy recovery.

GOVERNOR ST. CLAIR TO GENERAL HARMAR.

CAHOKIA, *May* [no date], 1790.

Sir:—I had the honor to receive your communications by Captain Armstrong, and have given him my opinion upon the subject; that it is, at present at least, impracticable, for the reasons which he will

---

priests have withdrawn. Certainly I shall recall them only at the end, and I hope that you will follow the good road, and that the young will be instructed, in their duties towards God, towards man, and towards each other.

You can assure the Peorias and the Cahokias of my good will on their account, and that I will make known to the President of the United States, General Washington, whom you know, and who is at this hour the chief of all, both civil and military, the desire they have to return to this country. The commissary will give you some powder, to aid your people who are in the hunting-ground.

inform you of, as I think it best not to say any thing about it in writing.[1] The situation of things appears to be unpromising with regard to the Indians and drawing fast to a crisis, but if force must be employed, which I believe it will end in, some other way must be fallen upon for supplying the troops than has hitherto been pursued; otherwise I should be very sorry to see you engaged in it. I have made pretty strong representations on that head to the President and the Secretary of War, from the Falls and from this country, and I was wicked enough not to be very much displeased to hear that you had been obliged to disperse your garrison to prevent them from starving; that will have more effect than all that could have been written on a quire of paper; but to what a situation would you have been reduced if the Indians had invested you then! It is abominable that an officer should ever be placed in it. I hope you are long ago relieved from it, not to experience it again. Major Doughty has been unfortunate, but has got off as well, or better, than might have been expected, and, it is to be hoped, has accomplished the purpose of his mission. I was under the necessity to make a detachment to the Ohio for provisions, soon after my arrival at Cahokia, at the mouth of which they were to be the 10th of last month, but as yet I have heard nothing of the provisions. Mr. Armstrong has been obliged to go up the river for them, and, if he had not, fortunately, met with Mr. Vigo, he had been obliged to return without them, and then we would have had to hunt our way to the Post, for no supply could be had here, and I don't certainly know but that may be the case yet, for I expect some Kickapoos here, who will probably eat us out; fine doings, these, are they not? If Doughty had not, luckily, met with some flour on his way from L'Ance de la Graize, I could not have sent for them, though it is very necessary that I should see them. You have doubtless heard of the desertions from Captain Doyle; the design had taken deep root; eighteen of them had gone off together and carried away the yellow boat. The boats, however, and, consequently, the men, were separated the night of the execution of the project and three of them were contented with the skiff, leaving us in the most difficult part of the river without the means of getting to shore; several have gone off since, and it now seems to be stopped.

Major Sargent has a letter from Mrs. Harmar of a late date, by which I was happy to hear she as well as yourself and the little folks were in health. I have not been happy enough to hear from

---

[1] An expedition into the Indian country projected by Captain Armstrong.

x [illegible] Bend – St Genive.

my own for some time past, and am very much alarmed at the account of my little Peg's situation, which he got from Charles Wilkins, that she was very ill with the small-pox and measles both at once; she has had the small-pox, however, but if any other eruptive fever came on with the measles, there is very little probability that she would overcome it. I wish to God I knew the worst, if it has happened, for then I should be easy. I beg you to make my best respects to Mrs. Harmar, who I hope to see before the end of June yet.

SUMMARY STATEMENT OF THE SITUATION OF THE FRONTIERS BY THE SECRETARY OF WAR.[1]

May 27th, 1790.

A letter has been received from the Governor of the Western Territory, dated at Kaskaskia the 7th of March last, containing nothing of importance. The settlements were considerably thinned by the inhabitants moving over the river to the Spanish settlements in consequence of Mr. Morgan's intrigues.

Letters from General Harmar, of the 24th March and 5th of April, giving accounts of the depredations of the Indians on the boats going down the Ohio, and also on the advanced settlements of Kentucky [have been received]. These accounts are corroborated, and more information given by Judge Innes and others to Mr. Brown[2] to the middle of April.

The result of this whole information shows the inefficacy of defensive operations against the banditti Shawanese and Cherokees, and some of the Wabash Indians on the north-west of the Ohio. The whole amount of these bad people may not exceed two hundred. The idea is therefore suggested that a general statement of the information received should be made to the Governor [St. Clair] and Brigadier-General Harmar. The bad effect it has on the public mind, and the importance and necessity of extirpating the said banditti, if any practical measures can be devised for that purpose.

That at this distance an expedition of the following description would seem sufficient for the purpose: about one hundred Continental troops and three hundred picked militia, mounted on horseback for the sake of rapidity. The militia to be engaged for thirty days, to commence from the day of arriving at the rendezvous. That every thing be in readiness to move at the moment of the arrival of the militia, each class carrying thirty days' meat and bread along with them. That the disposition be made in such a manner as to get in the rear of the said banditti, if possible. That great care be taken not to act offensively against any well-disposed Indians, although they may not be in alliance with the United States. That the pay and subsistence of the militia, and the hire of their horses, supposing half a dollar per day be allowed each for the hire and risk of each horse, and half a dollar each for the hire of the horses of the troops, and the probable contingencies of the expedition would amount to about thirteen thousand dollars. That the Governor and Brigadier-General Harmar be informed that, upon mature consideration, if in their judgment the said expedition would promise success as to the immediate object of it, tend to strike a terror in the minds of the Indians hostilely disposed, and be highly satisfactory to the people of the frontiers, they are authorized to undertake it immediately, under such regulations of mustering the militia as shall be directed. That if they should conclude it for the public interests to undertake the said expedition, that they take the most effectual arrangements to obtain the militia at the time appointed; and that the militia consist of two majors and four companies of seventy-six non-commissioned and privates each.

---

[1] Addressed to the President.

[2] Member of Congress from Kentucky.

GENERAL KNOX TO GOVERNOR ST. CLAIR.

WAR OFFICE, *June 7th*, 1790.

Sir:—I have the honor to acknowledge the receipt of your several letters of the 5th and 26th of last January and the 8th of March last, from Kaskaskia, on the Mississippi, all of which have been laid before the President of the United States.[1]

The information received from the Ohio of the depredations committed on that river by some Indians, has excited considerable alarm in the public mind. It would seem that the perpetrators of the mischiefs are the same Indians who have for some years past committed murders on the people of Kentucky, to-wit: the Shawanese, and the banditti from other tribes joined with them. I have, by direction of the President of the United States, written this day to General Harmar to consult with you upon the means of effectually extirpating the said band of murderers. I have given, generally, the outlines to him of an expedition for that purpose, leaving it to you and him to decide upon the time and details of its execution.

---

[1] The letters of the 5th January and 8th March are missing.

It is certain that no efficient defensive protection can be afforded the frontiers lying along the Ohio against the depredations of single or small parties of savages.

The President of the United States is aware of the difficulty of effectually extirpating the said banditti. But he confides in your abilities, and those of General Harmar, to effect it; and the order for that purpose is to be considered as a standing one, under the restrictions mentioned in my letter,[1] which, until the object of it shall be accomplished, no exertions or pains must be spared in the attempt.

It, however, is to be understood fully that the vengeance of the Union is to be pointed only against the perpetrators of the mischief and not against the friendly nor even neutral tribes, nor that the measures proposed (expedition) should interfere with your plans for a general accommodation with the regular tribes.

P. GIBAULT, PRIEST, TO GOVERNOR ST. CLAIR.

ST. CLAIR COUNTY, *June* 9, 1790.

The memorial of the inhabitants of Kaskaskia, La Prairie du Rocher, and Cahokia, County of St. Clair, humbly sheweth, that by an act of the Congress of the 20th of June, 1788, it was declared that the lands heretofore possessed by the said inhabitants should be surveyed at their expense, and that this clause appears to them neither necessary nor adapted to quiet the minds of the people. It does not appear necessary, because from the establishment of the colony to this day they have enjoyed their property and possessions without disputes or law suits on the subject of their limits; that the surveys of them were made at the time the concessions were obtained, from their ancient kings, lords, or commandants; and that each of them knew what belonged to him, without attempting an encroachment on his neighbor, or fearing that his neighbor would encroach on him. It does not appear adapted to pacify them, because, instead of assuring to them the peaceable possessions of their ancient inheritances, as they have enjoyed it till now, that clause obliges them to bear expenses which, in their present situation, they are absolutely incapable of paying, and for the failure of which they must be deprived of their lands.

---

[1] Scouts had been authorized on the borders, but on the 17th July the county lieutenants of Pennsylvania and Kentucky were notified by the Secretary that such expensive service would be discontinued, and that Governor St. Clair was empowered hereafter to call forth the militia for service, when necessary, through the county lieutenants.

Your Excellency is an eye-witness of the poverty to which the inhabitants are reduced, and of the total want of provisions to subsist on. Not knowing where to find a morsel of bread to nourish their families, by what means can they support the expense of a survey, which has not been sought for on their parts and for which it is conceived by them there is no necessity? Loaded with misery, and groaning under the weight of misfortunes accumulated since the Virginia troops entered their country, the unhappy inhabitants throw themselves under the protection of your Excellency, and take the liberty to solicit you to lay their deplorable situation before Congress. And as it may be interesting for the United States to know exactly the extent and limits of their ancient possessions, in order to ascertain the lands which are yet at the disposal of Congress, it appears to them, in their humble opinion, that the expense of survey ought more properly to be borne by Congress, for whom alone it is useful, than by them who do not feel the necessity of it. Besides, this is no object for the United States, but it is great, too great, for a few unhappy beings, who your Excellency sees yourself are scarcely able to support their pitiful existence. To these motives they venture to add that of the generosity worthy of a great people; the taking upon them a burden too heavy for a small number of unhappy individuals will add luster to their dignity. They venture to hope that the paternal goodness of your Excellency towards your adopted children, will induce you to present their humble supplication to the honorable Congress, and that you will second it with your protection.

They will ever pray to heaven for the preservation and prosperity of your Excellency.

GENERAL KNOX TO GOVERNOR ST. CLAIR.

[Extract]. WAR DEPARTMENT, *July* 20, 1790.

The reports from Europe state that England is desirous of going to war with Spain, the ostensible cause that the Spaniards took some English ships on the north-western coast of America. You will observe by the papers the high tone of the British Court. If this should be the case, it is quite probable the English might attempt New Orleans and the Floridas. This event is to be deprecated by us, for reasons which will obviously occur to you.

Reports have been circulated here that Arnold was at Detroit about the 1st of June, and that he had twice reviewed the militia. Whether this be true or false, it is said to have arisen from a Mr. Duncan, of Fort Pitt, who was here, and who is said to have received the intelligence from Detroit. Whatever designs the English may have on the Spanish possessions, it is hardly to be presumed that they would march or attempt a passage through the territories of the United States, without first asking leave. I have mentioned these circumstances in confidence, that you and Brigadier-General Harmar may, by comparing them with other things, endeavor to form a judgment of events.

The execrable perfidy of the banditti who attacked Major Doughty, merits the severest vengeance, and it ought to be executed as soon as circumstances will permit. But at present it is concluded most proper to wait the issue of the negotiations which are about to take place with the Creeks. Mr. McGillivray, and a number of other principal chiefs of the upper and lower Creeks will arrive here to-morrow. This visit has been induced by measures executed by Colonel Marinus Willett. This gentleman sailed from this city on the 15th of March last, for Charleston. Thence he proceeded by the back parts of Carolina to the Creek country. The visit of the chiefs seems to indicate peaceable intentions, and a hope is indulged that all differences may be amicably adjusted, as the United States will not require any terms inconsistent with justice and humanity.

GENERAL ST. CLAIR TO GENERAL BUTLER.

PITTSBURGH, *August 16th* 1790.

Sir:—The interests of the United States dictating a peace with the Indians on the Wabash, if it could be obtained upon reasonable terms, I was directed by the President to inform them of the disposition of the general Government on that subject, and to try to effect it. At the same time, I was instructed by him to take measures for the security of the frontier country, in the case of their continuing hostile. The following is extracted from instructions to me: "You will, therefore, inform the said Indians of the disposition of the general Government on this subject, and of their reasonable desire that there should be a cessation of hostilities as a prelude to the treaty. If, however, notwithstanding your intimations to them they should continue their hostilities, or meditate any incursions against the frontiers of Virginia and Pennsylvania, or against any of the troops and posts of the United States, and it should appear to you that the time of execution would be so near as to forbid your transmitting information to me and receiving my further orders thereon, then you are hereby authorized and empowered, in my name, to call upon the Lieutenants of the nearest counties of Virginia and Pennsylvania for such detachments of militia as you may judge proper, not exceeding one thousand from Virginia and five hundred from Pennsylvania. I have directed letters to be written to the executives of Virginia and Pennsylvania, informing them of the before-recited act of Congress, and that I have given you these conditional directions, so that they may not be any obstructions to such measures as shall be necessary to be taken by you for calling forth the said militia, agreeably to the instructions herein contained. The said militia to act in conjunction with the Federal troops in such operations, offensive or defensive, as you and the commanding officer of the troops conjointly shall judge necessary for the public service and the protection of the inhabitants and the posts. The said militia while in actual service, to be on the Continental establishment of pay and rations; to arm and equip themselves, but to be furnished with public ammunition, if necessary; and no charge for the pay of the said militia will be valid unless supported by regular musters made by a field or other officer of the Federal troops, to be appointed by the commanding officer of the troops."

I have now to inform you, sir, that there is no prospect of peace with the said Indians at present; on the contrary, they continue to be very ill-disposed towards the United States in general, and to Virginia in particular, and many parties, from the information I have received, are now actually gone to war. The commanding officer of the troops, General Harmar, and myself, have, therefore, concerted a plan of offensive operations against them, and in conforming with the above recited instructions, I now call upon you, in the name of the President of the United States, for sixty men, rank and file, properly officered, agreeably to the legal establishment of the militia of your State, to act in conjunction with the Federal troops against the said Indians; and that they be at the mouth of McMahon's creek, about four miles below Wheeling, on the third day of September next, armed and equipped for a service of sixty days, at least, after their junction with the troops, unless the object in view should be sooner accomplished. The laudable spirit the militia have always shown to repress the incursions of the savages, leaves no room for a doubt but the opportunity to punish them for their many injuries and cruelties will be embraced with avidity, but allow me, sir, to observe that it is of the utmost importance that they be punctually at the place of rendezvous. A failure there might defeat the whole operations.

CHEVALIER DUPORTAIL[1] TO GOVERNOR ST. CLAIR.

PARIS [FRANCE].

Dear General:—I write this letter, much uncertain if it will be delivered to your hands. I have been told you live in the country near the Ohio, and that you have been appointed governor of the settlements already made or to be made in that part. I should look upon this, if true, as a very happy circumstance, for I must inform you that twenty-three persons and myself have made an acquisition of lands there, and intend to make a settlement. Two gentlemen, Mr. Barth and Mr. Tiebault, are the first who go over with some cultivators. They will be followed by others. I leave with them to explain the project, but in quality of your late companion of war and always your friend, I beg you to give them every assistance and support, as those gentlemen are not acquainted with the country, and the business they have in hand renders it necessary they should have some one to advise with to prevent mistakes and perhaps want, and I expect, from your sensibility and kindness, that you will be pleased to aid them. If this first establishment succeeds, and the news we will have are good, I propose to make privately a large one, and send over thirty or forty families next winter. This plan pleases exceedingly my imagination, for you must know that our present revolution, which, I hope, will turn out happily for the people in general, has overthrown the fortune of many individuals, and reduced them to the greatest misery. In this circumstance, I may offer to form an asylum in your fortunate country, and procure them a better situation, with advantages for myself. In a few years I intend to cross the Atlantic and visit my little colony. This voyage will have two objects, for I wish also to see again America and so many persons for whom I shall always have the greatest interest and attachment, and I hope, dear general, to find you yet on the borders of the Ohio.

I could perhaps spare my and to you all this bad English, and write in French, but I was afraid that, having since the peace no opportunity of communicating with Frenchmen, you have forgotten it. I judge of it by myself, who find now great difficulty to speak English, but I beg you to be persuaded of the sincerity of the sentiments and regard and attachment with which I have the honor to be, etc.

---

[1] The Chevalier Duportail was the most prominent of the educated engineers sent to America by France in the Revolutionary War. He was made colonel of engineers, and was afterwards promoted to brigadier-general. He served under Washington in the Highlands and at Yorktown, and with Greene in South Carolina, and always acceptably.

COLONEL GOUVION[1] TO GOVERNOR ST. CLAIR.

PARIS, *August* 21, 1790.

Dear General:—If you have not quite forgotten an officer who had the pleasure to serve with you under the standard of liberty, give him leave to introduce to you Messieurs de Tavernol, a French officer of the Royal Artillery, and de Rocher, who are going to make settlements and become adventurers in the western countries of America. As this is a kind of enterprise in which they are in very great want of counsel, I take the liberty to beg you would aid them with yours, and put them under your immediate protection. They deserve it by their sentiments and their good conduct, and I shall be particularly obliged to you for what you will do in their favor.

Here we are contending for our liberty. There are so many people averse to it, and doing all in their power to oppose the effects of our revolution, that we are going on but very slowly. I hope that the good cause will triumph at last. Many, if not all, of our fetters are already fallen down, but we want order, of which there is almost a general dissolution. I hope it will come again, and that we shall be free; if not without trouble, at least without much bloodshed.[2]

The politicians of this country pretend that the great English fleet is sailing over to North America to carry you a king. I think that that sort of plant would not grow well in your land, and I laugh at that idea.[1]

---

[1] Colonel Gouvion, one of the four prominent engineers sent over by France during the Revolutionary War. He was a skillful and valuable officer, and was advanced from major to lieutenant-colonel in the American army, and colonel by brevet. After the surrender of Cornwallis, at Yorktown, he got leave to return to France. This is probably the same Gouvion who became distinguished under Napoleon in 1795 and subsequent campaigns, became a prominent general, and afterwards was made a peer.

[2] Alas! what oceans of blood deluged France soon after this letter of the brave Gouvion.

I am, with great esteem, dear general,
Your most obedient servant,
GOUVION.

---

[1] For St. Clair's description of the settlement of the French on the Ohio, see his letter to the Secretary of War, November 26, 1790. He received numerous letters from his French acquaintances, and also from the American representatives at Paris. One from Mr. Short introduced a marquis, a deputy of the noblesse to the National Assembly, who had purchased lands on the Scioto. The following letters will be read with interest:

JOEL BARLOW TO GOVERNOR ST. CLAIR.

PARIS, FRANCE, *February* 28, 1790.

Sir:—I took the liberty, a few days since, to give you some account of my operations as agent for the Scioto Company, and to address to your notice and protection a number of industrious and honest emigrants, who have gone under the direction of Messrs. Barth and Thiebauld. This emigration, I am convinced, will increase to a great number. They will be well attached to your government; and while they increase the strength and respectability of the colony, I hope your Excellency will find them amongst the best of citizens over whom you preside.

Mr. Hinckston, who will do me the honor to hand you this, is an English gardener, who carries with him a great variety of trees, vines, plants, and seeds, which may be useful in that country. I think his knowledge and intentions will render him a useful settler, and, with this prophecy, I take the liberty of requesting that you would give him such notice and protection as may be advantageous to him and the settlement.

JOEL BARLOW TO GOVERNOR ST. CLAIR.

PARIS, *April* 17, 1790.

Sir:—The Viscount de Malartie,[1] who will do me the honor to hand you this, is a young gentleman of good family, property, and character. He and his friends have purchased considerable lands of the Scioto Company, and he goes to begin the settlement for them. As I consider these people who go this season as being the leaders of extensive emigrations to that country, I am anxious on that account, as well as on the common principles of justice and humanity, that they should find themselves happy. I have taken the liberty in several instances to recommend such emigrants to your Excellency's protection and friendship. I do it with more confidence, as I am convinced that they will be sober, industrious citizens, and that they will, by their increasing numbers, add great strength and wealth to your government.

---

(1) The Viscount Malartie afterwards became a volunteer aid-de-camp on the staff of Major-General St. Clair, and was wounded at the battle with the Indians, November 4, 1791.

GOVERNOR ST. CLAIR TO THE SECRETARY OF WAR.

NEW YORK, *August 23d*, 1790.

The letter from Major Hamtramck, and journal of Mr. Gamelin,[1]

---

[1] The report of Antoine Gamelin, which alone concerns our story, and which has a deep interest to all who would understand the nature of the conflict of a hundred years ago, between civilization and barbarism, is as follows:

MR. GAMELIN'S JOURNAL.

I, Antoine Gamelin, by order of Major Hamtramck, set off from Fort Knox the 5th of April, to proceed to Miamitown, with the speeches of his Excellency, Arthur St. Clair, and to receive the answer of the Wabash and Miami nations.

The first village I arrived at is called Kikapouguoi. The name of the chief of this village is called Les Jambes Croches. Him and his tribe have a good heart, and accepted the speech. The second village is at the river du Vermillion, called Piankeshaws. The first chief, and all the chief warriors, were well pleased with the speeches concerning the peace; but they said they could not give presently a proper answer, before they consulted the Miami nation, their eldest brethren. They desired me to proceed to the Miamitown, and, by coming back, to let them know what reception I got from them. The said head-chief told me that he thought the nations of the lakes had a bad heart, and were ill-disposed to the Americans; that the speeches would not be received, particularly by the Chaouanons[1] at Miamitown.

The 10th of April I met thirteen Kickapoo warriors; I asked them the purpose of their journey. We are for war, said they, not against the white people, but against the Chickasaws. I told them to be friends with white people; I gave them a letter for the commanding officer of Post Vincennes, desiring them to go and shake hands with him. They promised to do it.

The 11th of April I reached a tribe of Kickapoos; the head-chief and all the warriors being assembled, I gave them two branches of white wampum, with the speeches of his Excellency, Arthur St. Clair, and those of Major Hamtramck (it must be observed that the speeches have been in another hand before me). The messenger could not proceed further than the Vermillion, on account of some private wrangling between the interpreter and some chief men of the tribe. Moreover, something in the speech displeased them very much, which is included in the third article, which says: "I do now make you the offer of peace; accept it or reject it, as you please." These words appeared to displease all the tribes to whom the first messenger was sent. They told me they were menacing, and, finding that it might have a bad effect, I took upon myself to exclude them, and, after making some apology, they answered that they and their tribe were pleased with my speech, and that I could go up without danger; but that they could not presently give me an answer, having some warriors absent, and without consulting the copies of which accompany this, were received by me at Kaskaskia,

---

[1] By these are meant the Shawanese.

Ouiatanons, being the owners of their lands. They desired me to stop at Quitepiconnae, that they would have the chiefs and warriors of Ouiatanons, and those of their nation, assembled there, and would receive a proper answer; they said that they expected by me a draught of milk from the great chief and the commanding officer of the Post, to put the old people in good humor; also, some powder and ball for the young men for hunting, and to get some good broth for their women and children; that I should know a bearer of speeches should never be with empty hands. They promised me to keep their young men from stealing, and to send speeches to their nations in the prairies to do the same. One of the chiefs desired me to listen to his speech: "Is it true that a man called Lewis Loder has, in last summer, carried a letter, wrote with red ink upon black paper, directed to the chief of the Falls, by the French and American people of the Post, inviting him to furnish his young men for to destroy the Kickapoos? Yourself, Gamelin, you wrote the said letter, without giving notice to the chiefs of that place, as reported to us. But the chief of the Falls answered: 'I don't understand the meaning of writing a letter with vermillion; don't you know that the Kickapoos are my children, as well as other nations? Instead of destroying them, I want to contract a solid peace with them.' That is a proof of a good heart of the great chief, and we sincerely believe that what you say concerning the peace is very true. Another proof of his good heart: we heard that Ducoign applied to the commanding officer of the Post for to go against us, with the French people, his brethren, but he got a refusal."

The 14th April, the Ouiatanons and the Kickapoos were assembled. After my speech, one of the head chiefs got up and told me: "You, Gamelin, my friend, and son-in-law, we are pleased to see you in our village, and to hear by your mouth the good words of the great chief. We thought to receive a few words from the French people, but I see the contrary; none but the Big-knife is sending speeches to us. You know that we can terminate nothing without the consent of our elder brethren, the Miamis. I invite you to proceed to their village, and to speak to them. There is one thing in your speech I do not like; I will not tell of it; even was I drunk, I would perceive it; but our elder brethren will certainly take notice of it in your speech. You invite us to stop our young men. It is impossible to do it, being constantly encouraged by the British." Another chief got up and said: "The Americans are very flattering in their speeches; many times our nation went to their rendezvous. I was once myself. Some of our chiefs died on the route, and we always came back all naked, and you, Gamelin, you come with a speech, with empty hands." Another chief got up and said to his young men: "If we are so poor, and dressed in deer skins, it is our own fault; our French traders are leaving us and our villages, because you plunder them every day, and it is time for us to have another conduct." Another chief got up and said: "Know ye that the village of Ouiatanon is the sepulcher of all our ancestors. The chief of America invites us to go to him, if we are for peace; he has not his leg broke, having been able to go as far as the Illinois; he might come here himself, and we should be glad to see him at our village. We confess that we accepted the axe, but it is by the reafter my return from Cahokia; and when I was on the point of set-

---

proach we continually receive from the English and other nations, which received the axe first, calling us women; at the present time, they invite our young men to war; as to the old people, they are wishing for peace." They could not give me an answer before they received advice from the Miamis, their elder brethren.

The 18th April, I arrived at the River à l'Anguille. The chief of the village, and those of war, were not present. I explained the speeches to some of the tribe; they said they were well pleased, but they could not give me an answer, their chief men being absent; they desired me to stop at their village coming back, and they sent with me one of their men to hear the answer of their eldest brethren.

The 23d April, I arrived at the Miamitown; the next day, I got the Miami nation, the Chaouanons, and Delawares, all assembled. I gave to each nation two branches of wampum, and began the speeches, before the French and English traders, being invited by the chiefs to be present, having told them myself I would be glad to have them present, having nothing to say against any body. After the speech, I showed them the treaty concluded at Muskingum, between his Excellency, Governor St. Clair, and sundry nations, which displeased them. I told them that the purpose of this present time was not to submit them to any condition, but to offer them the peace, which made their displeasure disappear. The great chief told me that he was pleased with the speech; that he would soon give me an answer. In a private discourse with the great chief, he told me not to mind what the Chaouanons would tell me, having a bad heart, and being the perturbators of all the nations. He said the Miamis had a bad name, on account of mischief done on the River Ohio, but he told me it was not occasioned by his young men, but by the Chaouanons, his young men going out only for to hunt.

The 25th of April, Blue Jacket, chief warrior of the Chaouanons, invited me to go to his home, and told me: "My friend, by the name and consent of the Chaouanons and Delawares, I will speak to you. We are all sensible ot your speech, and pleased with it, but, after consultation, we can not give an answer without hearing from our father, at Detroit, and we are determined to give you back the two branches of wampum, and to send you to Detroit to see and hear the chief, or to stay here twenty nights for to receive his answer. From all quarters, we receive speeches from the Americans, and not one is alike. We suppose that they intend to deceive us—then take back your branches of wampum."

The 26th, five Pottawatamies arrived here with two negro men, which they sold to English traders; the next day, I went to the great chief of the Miamis, called Le Gris; his chief warrior was present. I told him how I had been served by the Chaouanons; he answered me, that he had heard of it; that the said nations behaved contrary to his intentions. He desired me not to mind those strangers, and that he would soon give me a positive answer.

The 28th April, the great chief desired me to call at the French trader's and receive his answer. "Do n't take bad," said he, "of what I am to tell ting out for the Wabash. From the information that journal con-

---

you; you may go back when you please. We can not give you a positive answer; we must send your speeches to all our neighbors, and to the Lake nations; we can not give a definitive answer without consulting the commandant of Detroit." And he desired me to render him the two branches of wampum refused by the Chaouanons, also a copy of speeches, in writing. He promised me that, in thirty nights, he would send an answer to Post St. Vincennes, by a young man of each nation; he was well pleased with the speeches, and said to be worthy of attention, and should be communicated to all their confederates, having resolved among them not to do any thing without an unanimous consent. I agreed to his requisitions, and rendered him the two branches of wampum and a copy of the speech. Afterwards, he told me that the Five Nations, so called, or Irequois, were training something; that five of them and three Wyandots were in this village with branches of wampum; he could not tell me presently their purpose, but he said I would know of it very soon.

The same day, Blue Jacket, chief of the Chaouanons, invited me to his house for supper, and, before the other chiefs, told me that, after another deliberation, they thought necessary that I should go myself to Detroit, to see the commandant, who would get all his children assembled to hear my speech. I told them I would not answer them in the night—that I was not ashamed to speak before the sun.

The 29th of April I got them all assembled. I told them that I was not to go to Detroit; that the speeches were directed to the nations of the river Wabash and the Miami, and that, to prove the sincerity of the speech and the heart of Governor St. Clair, I have willingly given a copy of the speeches, to be shown to the commandant of Detroit; that his Excellency will be glad to hear that his speeches have been sent to Detroit, and, according to a letter wrote by the commandant of Detroit to the Miamis, Chaouanons, and Delawares, mentioning to you to be peaceable with the Americans. I would go to him very willingly, if it was my directions, being sensible of his sentiments. I told them I had nothing to say to the commandant, neither him to me. "You must immediately resolve, if you intend to take me to Detroit, or else I am to go back as soon as possible." Blue Jacket got up and said to me: "My friend, we are well pleased with what you say; our intention is not to force you to go to Detroit; it is only a proposal, thinking it for the best. Our answer is the same as the Miamis. We will send, in thirty nights, a full and positive answer, by a young man of each nation, by writing to Post St. Vincennes." In the evening, Blue Jacket, chief of the Chaouanons, having taken me to supper with him, told me, in a private manner, that the nation Chaouanons was in doubt of the sincerity of the Big-knives, so called, having been already deceived by them. That they had first destroyed their lands, put out their fires, and sent away their young men, being a hunting, without a mouthful of meat; also, had taken away their women; wherefore, many of them would, with great deal of pain, forget these affronts. Moreover, that some other nations were apprehending that offers of peace would, may be, tend to take away, by degrees, their lands, and tained, and the intelligence which the major had received afterwards, as stated in the letter, it appeared to me, that there was not the smallest probability of an accommodation with the Indians of that river, and of the Miami, and that, from the manner in which

---

would serve them as they did before. A certain proof that they intend to encroach on our lands is their new settlement on the Ohio. If they don't keep this side clear, it will never be a proper reconcilement with the nations Chaouanons, Iroquois, Wyandots, and perhaps many others. Le Gris, chief of the Miamis, asked me, in a private discourse, what chiefs had made a treaty with the Americans at Muskingum. I answered him, that their names were mentioned in the treaty. He told me that he had heard of it some time ago, but they are not chiefs, neither delegates, who made that treaty; they are only young men, who, without authority and instruction from their chiefs, have concluded that treaty, which will not be approved. They went to that treaty clandestinely, and they intend to make mention of it in the next council to be held.

The 2d of May I came back to the River à l'Anguille. One of the chief men of the tribe, being witness of the council at Miamitown, repeated the whole to them; and, whereas the first chief was absent, they said they could not, for present time, give answer; but they are willing to join their speech to those of their eldest brethren. "To give you proof of an open heart, we will let you know that one of our chiefs is gone to war on the Americans, but it was before we heard of you; for certain they would not have gone thither." They also told me that, a few days after I passed by their village, seventy warriors, Sauteaux and Outawais, from Michilimackinac, arrived there; some of them were Poux, who, meeting in their route the Sauteaux and Outawais, joined them. "We told them what we heard by you; that your speech is fair and true. We could not stop them from going to war. The Poux told us that, as the Sauteaux and Outawais were more numerous than them, they were forced to follow them."

The 3d of May I got to the Ouias. They told me that they were waiting for an answer from their eldest brethren. "We approve very much our brethren for not to give a definitive answer without informing of it all the lake nations; that Detroit was the place where the fire was lighted; then it ought first to be put out there; that the English commandant is their father, since he threw down our French father; they could do nothing without his approbation."

The 4th May I arrived at the village of the Kickapoos. The chief, presenting me two branches of wampum, black and white, said: "My son, we can not stop our young men from going to war; every day some set off clandestinely for that purpose; after such behavior from our young men, we are ashamed to say to the great chief at the Illinois and of the Post St. Vincennes that we are busy about some good affairs for the reconcilement; but be persuaded that we will speak to them continually concerning the peace, and that, when our eldest brethren will have sent their answer, we will join ours to it."

The 5th of May I arrived at Vermillion. I found nobody but two chiefs, the proposal of an accommodation had been received by them, and their subsequent conduct, it would not be proper for me to go to Post St. Vincennes; I, therefore, took the resolution to return by the Mississippi and Ohio Rivers to the headquarters of the troops, in order to concert with General Harmar upon the means of carrying into effect the alternative contained in my instructions from the President: that of punishing them; and, accordingly, embarked on the 11th day of June, and arrived at Fort Washington on the 13th day of July.

Before my departure from Kaskaskia, I put a letter into the hands of Major Sargent, informing him of my intended journey, and that as soon as I had embarked, he was to consider me as absent, and, in consequence, the government devolved upon himself, and desired him to proceed to the Post, lay out a county there, establish the militia, and appoint the civil and military officers. I was led to proceed in this manner from the little time there would be to digest the business, and bring the necessary force together from so many and distant parts, before it would be necessary that they should move, and the certainty there appeared to be that, if I went to the Post, the consuming a good deal of it would be unavoidable, and the season for operation be lost.

From the Falls of Ohio, I took Mr. Elliot, one of the contractors, with me to headquarters, that he might, in person, give General Harmar information with respect to the certainty of supplies, without being assured of which, it would be vain to think of the matter.

The number of militia I was empowered to call for, was one thousand from Virginia, and five hundred from Pennsylvania, to act in conjunction with the Continental troops; these the General estimated at four hundred effectives. The manner of employing this force, which was concluded upon, is this: Three hundred of the militia of Virginia are to rendezvous at Fort Steuben, and with the garrison of that fort, to march to Post St. Vincennes and join Major Hamtramck; the remaining twelve hundred of the militia to assemble at Fort Washington, under the orders of General Harmar, which, with the troops to be collected there, will form a body of fifteen hundred; these are intended to march directly across the

---

all the rest were gone a hunting. They told me they had nothing else to say but what I was told going up. They told me that the Grosse Tete, a warrior absent, appears to have a bad heart.

ANTOINE GAMELIN, *Messenger.*

This 17th day of May appeared before me Mr. Antoine Gamelin, and swore that the within is the truth, the whole truth, and nothing but the truth.

FR. HAMTRAMCK, *Major Commandant.*

country to the Miami village, while Major Hamtramck moves up the Wabash to attack any of the villages on that river, to which his force may be equal; but, as it is not so respectable as I could wish it, I took it upon myself to give him authority to call for aid from the militia of Post St. Vincennes. It would, perhaps, have been better that the whole should have been drawn together, and one solid effort been made; but it was next to impossible to form a junction of all the parts at any one proper place in time, and we were not without hopes that, as the movements will be made in concert, the success of both may be forwarded by each other; for that up the Wabash will certainly, I think, make those nations uneasy for themselves, and prevent them from aiding the Miamis, while the direct movement to their village will have the same effect upon them.

I could, indeed, have wished that the force in both quarters had been more respectable, as far as it is possible their success should be put out of the chance of accidents; for a failure will be attended with the very worst consequences. I believe, sir, that if the President approves the business, and should think proper to add to the numbers, it is not yet too late, being of opinion that many more men might be obtained from that part of Virginia from whence the others are called, on very short notice. You will observe, sir, by my letter to the county lieutenants, that the rendezvous at Fort Washington is fixed for the 15th of next month. Their assembling there, however, was not counted upon before the 20th, and that they would be in readiness to march by the 1st of October. Before that time, I hope, I shall be able to join them. Mr. Elliot made very little hesitation about the provisions, though it will be impossible to furnish flour. Corn, however, it seems, is still abundant in Kentucky, and with that General Harmar is satisfied.

I am very apprehensive that some disappointment will be met with in the quota of Pennsylvania: for I found that, in two of the four counties from which that militia is to be drawn, they have not had an officer for upwards of two years, and there was a general complaint for want of arms. I represented that matter to the Executive of the State, and they think the first difficulty will be obviated by a voluntary enlistment, and have ordered a quantity of arms to be sent forward. As a disappointment there would be fatal, perhaps the President may think proper to make some conditional provision against it. I hope it will not happen, but I fear it; and am extremely anxious about it, on account of the expense that will have been incurred to no purpose, and more so from the injury the reputation of the Government would sustain.

I request the favor of you, sir, to lay this letter before the President as soon as possible, for it is of importance that I should return without loss of time, as the assembling the militia of Pennsylvania is appointed on the 3d, and their being in motion not to exceed the 10th of September.

I have added a copy of my letter to the county lieutenants, and to the senior officer of the Pennsylvania militia.

General Knox to Governor St. Clair.

War Department, *August* 23, 1790.

Sir:—I have submitted to the President of the United States your letter of this date, and the papers therein referred to, containing the reasons on which you have founded the proposed operation against the Wabash Indians.

Whilst the President regrets exceedingly the occasion, he approves of the measures you have taken for preventing those predatory incursions of the Wabash Indians which, for a considerable period past, have been so calamitous to the frontiers lying along the Ohio.

The offers of peace, which have been made on principles of justice and humanity to the Wabash Indians and refused, will fully justify the conduct of the United States in the operations which have been directed for the prevention of future murders and robberies.

It is the earnest desire of the President that the operation should be effectual, and produce in the Indians proper dispositions for peace. He, therefore, confides in your judgment and abilities, as being perfectly acquainted with the force of the Indians, the nature of their operation, and all the circumstances of the case, whether any further force shall be added to that already ordered. If, upon due deliberation, you should be of opinion that the force you have directed should be inadequate to the end proposed, and that an additional number of militia should be requisite, he consents to the measure, and hereby authorizes you for that purpose.

In this case, the additional number of militia should be taken from the frontier counties of Virginia, on account of their vicinity to Fort Washington, the place of rendezvous.

There are existing jealousies in the minds of the British officers in Canada of the designs of the United States respecting the posts to have been relinquished by the late peace. It will be a point, therefore, of delicacy, that you should take measures by sending some officer or messenger, at a proper time, to assure the commanding officer of the real object of the expedition; that the Shawanese, and some others joined with them, have committed such enormous offenses against the citizens of the United States as are no longer supportable, and to assure him of the entire pacific disposition of the United States towards Great Britain and its possessions. You will also find it, at some certain moment, highly proper to inform the Indians with whom you have formed treaties, of your pacific disposition towards them.

And, it may also be proper, under certain circumstances of humiliation of the Indians, to conclude with them treaties of peace, provided it can be done on proper security of their good behavior, and consistently with the dignity and interests of the United States. . . .

GOVERNOR ST. CLAIR TO THE ATTORNEY-GENERAL.

PHILADELPHIA, [*No date*], 1790.

Sir:—I have the honor to envelope the papers you were pleased to desire yesterday.

In a former conversation you had suggested a doubt whether the laws of the Western Territory that had been made (in contradistinction to being adopted) by the Legislature would be binding upon the people. The same doubt had arisen in my mind early, but I gave way to the opinion of the Judges, and to the necessity of the case. They were decidedly of the opinion that, from a clause in the Ordinance which declared the laws adopted or made by the Governor or Judges to be binding during the existence of the temporary government, if not disapproved by Congress, gave them full power to legislate in that manner; and it is certain that, from the peculiar circumstances of the country, in many cases no laws of the original States would be found to apply to their occasions exactly without alterations, and, if they were altered to those occasions, they would cease, it would seem, to be the same laws. They have doubts, likewise, whether the laws of the United States can have course in the Territory unless it be especially named in them, and it has been proposed to me that such as may be necessary should be adopted; but, from the words of the Ordinance, which gave the power to adopt laws, it is doubtful whether the laws of the United States can be comprehended. I do not recollect any case that has yet happened where any inconvenience has followed—but I do not know how treason, for example, against the United States, could be punished, and yet it may be committed in a Territory.

No provision has been made for an attorney-general; the power to appoint one is clear enough, but the infant situation of the country forbids the people being burdened with salaries; at the same time, it seems to be a very necessary office, were it only as law counselor to the Governor. I am sure I have felt the want of such counsel very much, and the persons who may succeed me in the office may be in like circumstances; and it is not expected that any person of sufficient abilities will accept the appointment without a salary, especially when it is considered that they have a circuit of more than a thousand miles in every year. I shall be very much obliged to you for your advice about the possessions of the ancient settlers on the Mississippi, and that, if you think it necessary, you would bring the doubtful points I have mentioned before the President of the United States. Permit me to observe, also, that when the very great distance that country is and ever will be from the seat of government, there seems to be a necessity for the titles of confirmation being made within the Territory, or at least a provision that they may be put on record there.

GOVERNOR ST. CLAIR TO THE PRESIDENT.

REPORT OF OFFICIAL PROCEEDINGS IN THE ILLINOIS COUNTRY FROM MARCH 5th TO JUNE 11th, 1790.

Pursuant to the resolution of Congress of the 28th of August, 1788, and in obedience to the instructions of the President of the United States of the 6th of October, 1789, I embarked at Fort Harmar for Kaskaskia, on the 20th day of December following, and arrived on the 5th day of March, 1790. The great length of time consumed in this voyage was owing to a delay met with at the Falls of Ohio, for want of provisions for the escort; to being afterwards frozen up in the Mississippi for fifteen days; and to being again obliged to stop to repair the damage sustained by the vessel, which was hurried by the impetuosity of the stream upon a sunken tree in the middle of the river, where the danger of being cast away was very narrowly escaped.

Immediately on my arrival, the county of St. Clair was erected by proclamation;[1] a placard was published requiring the inhabitants to

---

[1] In fact, the county of St. Clair was not erected until April 27th. I quote from the manuscript journal of official proceedings kept by the secretary, Colonel Sargent.[1]

---

(1) 1790, March 7th.—At Kaskaskia. The Governor issued a proclamation calling on inhabitants to prove claims to certain lands as provided for in act of Congress of 20th June, 1788. It was directed to take measures to confirm in their possessions and titles the French and Canadian inhabitants, and other settlers on the Mississippi who, on or before the year 1783, had professed themselves citizens of the United States, and for laying off the tracts which they rightfully claim; also for their benefit, tracts of lands in certain figures near to all the villages, so as to furnish four hundred acres as a donation to such of families living at Kaskaskia, La Prairie du Rocher and Cahokia.

March 24th.—The Governor issued a proclamation similar to the above to the people of Post Vincennes. [It was sent by messenger to the Wabash.].

April 22d.—At Cahokia. The Governor issued a proclamation relative to the claims of the Bishop of Quebec to missionary lands granted to the missionaries of Cahokia and Tamarois, in fee simple, by Messieurs Boisbriant and Des Misines, in the name of the Royal Company of the Indies, in June 1722. Four leagues of land in a square to begin on the Mississippi River. one-quarter of a league above the little River of Cahokia, and to follow the course of the Mississippi towards Fort Chartres.

April 25th.—The Governor issued an order forbidding the inhabitants from entertaining any strangers, white, Indians, or negroes, without acquainting the officer in command of troops with the names, and places whence they came. Strangers also required to report themselves.

April 27th.—County of St. Clair set off as follows: Beginning at the mouth of the Little Michilmacinack River, running thence southerly in a direct line to the mouth of the little river above Ft. Massac, on the Ohio River: thence with Ohio to its junction with the Mississippi: thence up the Mississippi to the mouth of the Illinois River, and so up the Illinois River to the place of beginning, with all the adjacent islands of the said Illinois and Mississippi Rivers. St. Clair county divided into three judicial districts, viz: Cahokia, Prairie du Rocher, and Kaskaskia; in each of which, sessions of the several courts should be held during the year in some manner, as if each district represented a distinct county.

April 29th.—Cahokia. The Governor addressed a letter to Don Manuel Peres, Lieutenant-Governor of western part of Louisiana, asking him to see that one Pierre Troye, lately removed from Cahokia. returned to its parents a female child, Margaret Bellew, which he had carried off, claiming that the parents were indebted to him for its keeping; whereas the child had been permitted to stay with Troye at the request of his wife—she having no children of her own.

Following appointments made:

Judges of the Court of Common Pleas—Jean Baptist Barbot, John Edgar, Antoine Gerardin, Philip Engel, and John de Moulin.

Prothonotary and Clerk of the Court—William St. Clair; Justices of the Court of General Quarter-Sessions of the Peace, and Justices of Peace and Quorum—Messrs. Edgar, Engel, Gerardin, and Antoine Louviers. Also, Justices of the Court of St. Clair County—Francis Trottier, Francis Janis, Nicholas Smith, James Piggot. and Baptiste Sausier.

Judge of Probate—Bartholomew Tardavieu.

Sheriff—William Biggs, Gentleman.

Coroner—Charles Le Ferre, Gentleman.

Lieutenant-Colonel of First Regiment of Militia—B. Tardavieu.

Major—A. Gerardin.

Captains—John Edgar, Jean Baptiste du Bouque, and Messrs, Engel, Janis, and Piggot.

Lieutenants—Baptiste Sausier, Baptiste La Chance, Antoine Peltie du Antoya, George Achison, Baptiste Alory, and Joseph La Pense.

exhibit a proof of their claim to lands in that quarter, and a list of

---

Ensigns—Philip Gervais, Matthew Sausier, Charles Gennoiu, Jaque Racine, Antoine La Chapelle and Nathaniel Hull.

May 5th.—Joseph La Bussiere was commissioned a Notary Public for the purpose of taking due recognition of land titles among the French, who are excepted in the Ordinance.

May 7th.—William St. Clair appointed Recorder of Deeds, and on the following day he was authorized to administer oaths to all officers appointed under the acts of Congress.

May 18th.—Antoine Harmond dit Sansfaçon was appointed Adjutant of the First Regiment.

June 1st.—Antoine Gerardin was appointed Surveyor.

June 11th—The Governor addressed a letter to Major Hamtramck at Post Vincennes, informing him that he would not proceed to that post as contemplated, for attempting a treaty with the Indians, but would go to Fort Washington and thence to New York. The same day he put a letter into the hands of Secretary Sargent, authorizing him to act as Governor during his absence, and instructing him how to proceed to quiet the land titles at Post Vincennes.

The Governor departed for Fort Washington.

At Vincennes, Secretary Sargent, as acting Governor, proceeded to carry out the instructions of the Governor relative to the lands. The situation was more complicated than at Kaskaskia and Cahokia, and the labor of adjustment was very great. Both French and English had made grants, and courts set up by representatives of Virginia had also made grants. It was found that one Ange, a royal notary, had at one time run off with all of the public papers in his possession, and that in the office of one Le Grand, which was continued from 1777 to 1788, where should have been the vouchers for important land transactions, the records had been so falsified, and there was such gross fraud and forgery, as to invalidate all of the papers as evidence. The court of civil and criminal jurisprudence, established by J. Todd under authority of Virginia in June, 1779, and was continued until 1787, continued to make grants without due authority, as the acts of Virginia of 1779 expressly excepted lands north-west of the river Ohio from location and pre-emption, and the Governor was required to issue a proclamation requiring all persons to remove themselves. This did not extend to the French and other ancient inhabitants. Todd, however, claimed there was a kind of authority, and the violation of law continued. Twenty-six thousand acres of land were granted away from 1779 to 1783; from that date to 1787 (when General Harmar checked the abuse) twenty-two thousand acres more, generally in parcels of four hundred acres. Those persons who had bought and paid for lands since the date referred to, were victims of the fraud, but the Secretary represented the hardship to the General Government and asked for a special act of relief. A tract of one hundred and fifty acres embraced in the village, and granted by St. Ange to the Piankishaw Indians, had been sold by the latter to whites, and some of the lots built up. The question of ownership was referred to Congress. One hundred and thirty-one French, Canadian and American inhabitants offered to do extra military duty for a donation of land. Recommended by the Secretary.

June 20th.—A county named Knox was laid off with the following boundaries:

Beginning at the standing stone Forks of the Great Miami River and down the said river to the confluence with the Ohio River, thence with the Ohio River to the small stream or rivulet above Fort Massac, thence with the eastern boundary line of St. Clair county to the mouth of the Little Michilmacinack, thence up the Illinois River to the Forks or confluence of the Theokiki and Chicago; thence by a line to be drawn due north to the boundary line of the Territory of the United States, and so far easterly upon said boundary line as that a due south line may be drawn to the place of beginning.

June 22d.—John Small, commissioned as Sheriff, and John Mills, Notary.

June 26th.—Military commissions for Knox county—Majors, Francois Vigo and Henry Vanderburgh; Captains—Piere Gamelin, Louis Edeline, Michel Bronliette, Charles du Devoir, and John Baptiste Mayet; Lieutenants—Joseph Toga, Charles

4

the heads of families. It was a considerable time before any claims were presented, owing partly to their being entirely unacquainted with the English language. They were at length brought forward, and such of them as were found to come within the resolution of Congress, accompany this report; also a list of the inhabitants and a copy of the placard.

No plan of the town of Kaskaskia could be found, either in the public offices or in the hands of individuals; I was, therefore, obliged to order one to be taken (of which No. 4 is a copy), as it

---

Bono, Luke Decker, and Charles Vincuve: Ensigns—Jean Baptiste St. Obin, Jean Baptiste Mayette, Antoine Droite de Richorville, and Christopher Wyant.

June 27th.—Major Vigo ordered to command the militia of Post Vincennes, and Captain Jean Baptiste Mayet upon the Illinois River.

June 28th.—Proclamation issued as to killing of game and strangers similar to the one issued by St. Clair at Cahokia.

June 29th.—In view of surrounding hostile Indians, militia commanded to hold themselves in readiness for service.

July 3d.—Commissions issued: Judges of Court of Common Pleas—to Piere Gamelin, Louis Edeline, and James Johnson; Justices Court of Quarter-Sessions, etc.—Antoine Gamelin, Paul Gamelin and Francis Bussero; Judge of Probate—Antoine Gamelin; Prothonotary and Clerk—Samuel Baird; Recorder of Deeds—John Mills; Justices of the Peace—James Johnson and Luke Decker; Coroner—Christopher Wyant.

July 10th.—Samuel Baird commissioned to survey and lay off the French and Canadian inhabitants' lands rightly held by them.

August 16th.—Andrew Heath was commissioned Justice of Peace for county of Knox.

August 21st.—John Owens commissioned as Lieutenant of militia. After some correspondence with Judges Symmes and Turner as to laws, the Secretary departed for Fort Washington.

Sept. 16th.—Governor St. Clair arrived in the Territory.

Sept. 18th.—The Governor was pleased to make the following appointments: William Mills, as captain, and Joseph Buell and Return Jonathan Meigs, Jr., as ensigns, in the first regiment of Washington county.

Dec. 1st.—Scott Traverse appointed lieutenant, *vice* Kenedy resigned; and Richard Benham, ensign.

Dec. 2d.—Absalom Martin was appointed captain, John Williams, lieutenant, and Richard Carpenter, ensign, first regiment.

LAWS PASSED, 1790.

1. A law to prohibit the selling of intoxicating liquors to Indians, and for preventing foreigners from trading with Indians. Pub. at Vincennes, July 19, 1790.

2. A law to prohibit the sale of intoxicating liquors to soldiers, and to prevent the selling or pawning of arms, clothing, etc., by soldiers. Pub. at Vincennes, July 26.

3. A law for suppressing gaming for money or other property, and for restraining the disorderly practice of discharging fire-arms at certain hours and places. Pub. at Vincennes, August 4.

4. A law to alter the terms of the general court. Pub. at Cincinnati, November 4.

5. A law increasing the terms of the county courts of common pleas from two to four terms per year, and to increase the number of judges and justices. Pub. at Cincinnati, November 6.

6. A law to authorize and require the courts of general quarter sessions of the peace to divide the counties into townships, and to alter the boundaries of the same when necessary, and also to appoint constables, overseers of the poor, and clerks of the townships. Pub. at Cincinnati, November 6.

would have been otherwise impossible to describe the lots which were to be confirmed.

Mr. Samuel Baird was appointed to do that duty, as well as to survey the lands held by the people, and to run the lines that had been directed by Congress to embrace the donations. On an examination of the claims, however, it was found that many grants of lands had been made, which would fall to the eastward of the line to be drawn from the mouth of the river Au Marie; and, as all grants that proceeded either from the government of France, that of Great Britain, or of the State of Virginia, in or before the year 1783, were to be confirmed, the running of that line was delayed until Congress should be informed that it would not take in all the claims, and therefore appeared to be incurring an unnecessary expense. Orders of survey were issued for all the claims that appeared to be founded agreeably to the resolution of Congress, and surveys were made of the greater part of them. A part, only, of those surveys, however, have been returned, because the people objected to paying the surveyor, and it is too true that they are ill able to pay. The Illinois country, as well as that upon the Wabash, has been involved in great distress ever since it fell under the American dominion. With great cheerfulness the people furnished the troops under General Clarke, and the Illinois regiment, with every thing they could spare, and often with much more than they could spare with any convenience to themselves.

Most of the certificates for these supplies are still in their hands unliquidated and unpaid; and, in many instances, where application for payment has been made to the State of Virginia, under whose authority the certificates were granted, it has been refused. The Illinois regiment being disbanded, a set of men pretending the authority of Virginia embodied themselves, and a scene of general depredation and plunder ensued. To this succeeded three successive and extraordinary inundations from the Mississippi, which either swept away their crops or prevented their being planted. The loss of the greatest part of their trade with the Indians, which was a great resource, came upon them at this juncture, as well as the hostile incursions of some of the tribes which had ever before been in friendship with them; and to these was added the loss of their whole last crop of corn by an untimely frost. Extreme misery could not fail to be the consequence of such accumulated misfortunes. The paper, No. 5, contains the orders for a compensation to the surveyor, and No. 6 is the representation of the people praying to be excused from paying it.

A gentleman of the name of Todd had been appointed by the Governor of Virginia, lieutenant of the county of Illinois, and some few grants of land are said to have been made by him, although, by his instructions, which he put upon record at Kaskaskia, he had no authority to that purpose, but seems rather to have been restrained.

A copy of those instructions was transmitted by the secretary. On Mr. Todd's leaving that part of the country, a person of the name of De Numbrun was substituted, who made grants of land without number. The power of granting lands was also assumed by the civil courts that had been established, and that assumed power they used very liberally, still pretending, however, that they had been authorized so to do by Mr. Todd, who is styled, "Grand Judge for the United States." It is most probable that such power was never delegated to the courts by Mr. Todd, at least, it does not appear. All those grants have been rejected; but I beg leave to suggest that it might be proper to allow a right of pre-emption to those who have actually settled, and made improvements under them. Some of the parties seem respectively to have had two different objects in view: the applicants, the engrossing lands for a very small consideration, and the grantors, the accumulation of perquisites, the courts and sub-lieutenants having exacted four dollars for each grant.

There are a number of American settlers in possession of such grants, whose claims have been also rejected. Their case seems to be a hard one. Not doubting the authority of the courts, which they saw every day exercising the authority, they applied for lands and obtained them, and made settlements in consequence, distinct from those of the French; but having removed into that country after the year 1783, they do not come within the resolution of Congress, which describes who are to be considered as ancient settlers and confirmed in their possessions. As Americans they have been the peculiar objects of Indian depredations, while their neighbors, the French, from having had much intercourse with the Indians, and frequently intermarrying with them, until very lately, were generally safe. They have, in consequence, been driven off of the lands they had improved, and have lost both their time and their labor. No. 7 is a representation from them upon this subject.

Having finished the business at Kaskaskia, as far as it was possible at that time, on the 5th day of April I embarked and proceeded up the Mississippi to Cahokia, having stopped at Fort de Chartres, and visited the village of the Prairie du Rocher, which is about a league distant from it. On the way, Mr. Baird had been directed to make the surveys there as well as at the latter place.

A power was granted to certain of the inhabitants to make representations to me on the subject, which was done. I inclose a plat of the reserved tract, including Fort Chartres. It is, however, to be observed that part of this tract appears to have been granted when the country was in possession of the French.

From the mouth of the Kaskaskia River, which is a very beautiful stream that takes its rise a great way in the country, and is navigable by boats for a considerable distance, and on the west bank of which the town is situated, the Mississippi is very rapid, as indeed it is from the mouth of the Ohio to that place, with a great many difficult and dangerous passes. Every-where the current in the middle of the stream is too strong to be overcome by oars. Boats are, therefore, obliged to keep as close to the shore as possible, and then, in many places, can not ascend without towing. The navigation of course might be very easily interrupted, or prevented altogether, were the Spaniards or the Indians disposed to attempt it; and the more so, as in some of the most difficult places it is necessary to keep to the Spanish shore. A communication, however, from Fort Massac on the Ohio (or even some distance above it) with Kaskaskia, by land, may easily be opened. The distance is from fifty to sixty miles; the country is high, and the soil proper enough for a road, and no considerable water intervenes but the River du Vase, which is generally fordable at Large Riffle, which presents itself directly in the course. The tedious and dangerous navigation of the Mississippi would be thereby avoided. Above the Missouri River the Mississippi becomes comparatively a gentle and pellucid stream, whereas, below, it is at all seasons extremely turbid. Above the Illinois River it is truly a gentle stream, its current, as I have been informed, nowhere exceeding three miles an hour.

The village of Cahokia is situated on a small creek of the same name, in a fertile plain, and about half a league from its mouth, but, being surrounded with marshes, it is very unhealthy in the latter part of the summer and the autumn. The river, however, affords a safe and convenient harbor for boats. It discharges itself nearly opposite to the Spanish village of St. Louis, and is navigable for two miles beyond the town. Half a league lower down the country, and about an equal distance from the Mississippi, is the small village of the Prairie du Pont, which is generally considered as a part of Cahokia. Here, as at Kaskaskia, no plan of the town was to be found, and, of course, I was obliged to order one to be taken, but a copy of it does not accompany this report; as, by some accident, it has been left behind.

The villages at the Prairie du Rocher and du Pont do not appear to have been ever laid out; the people have built upon the lands (their lands), which have generally small fronts, in a contiguous but irregular manner, which has given to these places something of the appearance of towns. The same steps were taken to obtain a knowledge of the lands that were claimed by the people here, as at Kaskaskia, and, after due examination, orders of survey for such as fell within the resolution of Congress, were put into the hands of Mr. Girardin, the only person that could be found in all that country who understood any thing of surveying. There are a great many persons in that quarter, also, whose claims have been rejected, who, nevertheless, may be properly considered as having an equitable right, at least, to the pre-emption.

Previous to the issuing any orders of survey at Cahokia it became necessary to decide upon a claim set up by the Seminary of Quebec to a piece of land, four leagues square, granted many years ago by the officers then commanding in the country for the King of France to the missionaries of Cahokia and Tamarois. The bounds of this concession embraced all the settlements at Cahokia and the Prairie du Pont, and they had been made generally with the consent of the missionaries for the time being so long as the mission subsisted; when it had dropped, settlements within the bounds had been permitted by military officers, both French and English. After a very careful examination into all the circumstances, it appeared that the mission of Cahokia and Tamarois had been dropped before the country was ceded to Great Britain; that it had never been re-established while it remained under the dominion of that power; that it does not exist now, the present curé not being a missionary but a parish priest, supported by the inhabitants, and that the pretensions of the Seminary of Quebec were futile and groundless. It was, therefore, considered as a tract of land that had reverted for want of heirs, and was by proclamation reunited to the domain of the United States; and the inhabitants were put upon the same footing as the other ancient settlers.

The survey mentioned in the proclamation to have been ordered, was not made, because it afterwards came out that the King of France had disapproved of the grant, and reserved the soil. Inclosed is the deposition of Joseph La Bussiere, the notary who published the edict of the French King respecting it; and, also, a remonstrance of the inhabitants respecting a sale that had been made of a part of it by an attorney for the Seminary of Quebec.

No returns of survey from Cahokia are as yet come to hand, and it is probable that not many have been made, as the same objections of paying for them were raised here as elsewhere, and the inhabitants of that place are joined in the remonstrances which have been made by those of the other villages.

It was not possible to establish the courts of justice nor the militia in the County of St. Clair until Cahokia had been visited; and then it was difficult to establish them conformably to the law; and no alteration in the law could take place that time, because the judges, who form a part of the Legislature, were not present. The difficulty arose from these circumstances. The villages and settlements were at a great distance from each other; not any of them were sufficiently peopled to admit of being made a distinct county; the whole afforded barely a sufficient number of persons who were in any degree qualified to fill the necessary offices; justice could not have been administered had the sessions of the courts been confined to any one place, even the most central, for, besides the distance, there was considerable danger in passing and repassing. Under these circumstances, no person could have been found who would have taken upon himself the office of a magistrate; neither could the attendance of juries have been compelled, and the greatest confusion must have ensued. The judges of the County Court of Common Pleas were, by law, limited to five, and not less than three. The expedient, therefore, of dividing the county into three districts was fallen upon, though not strictly warranted by law, and the judges so distributed as to make the holding of that court practicable; and it was ordained that a session of that court of the general session of the peace and of the probate should be held in each district, but all as sessions of the same courts respectively, and the prothonotary of the common pleas, the clerk of the peace, and the judges of probate, were directed to appoint deputies, and open offices in each district. The proclamation for this measure has been transmitted by the Secretary of the Territory, and is in the office of the Secretary of State. The measure has since received the sanction of the Legislature.

By the Ordinance for the government of the Territory, the laws and customs which had prevailed among the ancient settlers are to be continued, so far as respects the descent and conveyance of real property.

The mode of conveyance was an act before the notary, and filed in his office, of which an attested copy was delivered to the party. To fulfill that part of the Ordinance, it was necessary that notaries public should be appointed, and one was commissioned at Kaskaskia, one at Prairie du Rocher, and one at Cahokia.

The inhabitants of the county were also formed into a regiment of militia, and commissions issued for a lieutenant-colonel, and all the subordinate officers.

The donations to the ancient settlers have not been laid out, because at Kaskaskia and Prairie du Rocher no person could be found to do it. At Cahokia, an authority was given to Mr. Girardin for that purpose, but nothing, I presume, has been done in consequence of it, for the alteration that was made in the location of these donations, by the act of the 29th of August, from the west to the east side of the hills or ridge of rocks, throws them at such a distance from their present possessions (the hills being of considerable breadth, and not very fit for cultivation) that, in the existing circumstances of the country, they could not possibly occupy them.

They humbly pray that the location pointed out by the act of the 20th of June, 1788, may be restored.

What they set forth in the inclosed representation is true, both with respect to their having been long in the occupation of it, and the quality of what they ask for upon the hills. Great numbers of people have abandoned the Illinois country, and gone over to the Spanish Territory. A claim, however, is still kept up by them to their ancient possessions, but it is to be remarked that very few grants were made by the French in fee-simple.

When any persons quitted their possessions, the soil seems to have reverted of course to the domain of the King, and was regranted at the pleasure of the officers commanding. It is presumed that, strictly, the possessions of all those who have so expatriated themselves are fallen to the United States, had they even been granted originally in fee-simple, and may be disposed of as they shall see fit. But the loss of the people is severely felt. May I be permitted to suggest that a law declaring those possessions escheated, unless the former owners return and occupy them within a certain time, would not be an improper measure?

At Kaskaskia, the Jesuits held valuable possessions; the buildings are gone entirely to ruin, but the lands are still of some value. On the suppression of the Order in France, the officers of the French King disposed of their property at that place by public sale, but before the sale took place, the country had been ceded to Great Britain, a circumstance that was not known then. The British officers who took possession for that crown, considered the sale as illegal, and laid hold of the property; and the purchaser, a Mr. Beauvais and his descendants, have been kept out ever since. A son of Mr. Beauvais now lays claim to it, in virtue of the purchase, and throws himself upon the United States, to be confirmed in what yet remains of the property, for which his father paid a very large sum of money.

The commerce of the Illinois country is of some importance in itself, but more so when considered as connected with the Spanish side of the Mississippi. The villages on that side of the river having been originally settled by the French, and under the same government as that part which is now in the possession of the United States, the connection between them is still very intimate, and favors a commercial intercourse which, though illicit, might be carried on by the citizens of America without risk. It is carried on at present without risk, but is, unfortunately, almost entirely in the hands of the British. Even much the greatest part of the merchandise for the trade of the Missouri River is brought from Michilimackinac by that of the Illinois, partly by the Spanish subjects themselves, and partly by British traders. The manner is this: The Spanish subjects either introduce them at once, in consequence of a secret connection with their commandants, or they are brought down to Cahokia and landed there, and afterwards carried over to St. Louis, as opportunities can be found. What is brought by the British traders, the Spanish subjects purchase and pay for on the American side, taking all the risk that attends the introducing them into their own country upon themselves. The furs in which these goods are generally paid for (deer skins answering better than furs at the New Orleans market), are carried to Canada by the same communication; that is to say, up the Illinois River, up the Chicago, and from thence by a small portage into Lake Michigan, and along that lake to Michilimackinac; or from the Chicago up the river Au Plain, and by a portage into the same lake.

In the spring of the year the waters of the Michigan and the Chicago rise each to such a height that the intermediate space is entirely overflowed, and is passable by the vessels in use there, which are bark canoes, but which carry a very considerable burden, and are navigated by three or by five persons.

The commerce of that country is of some importance, also, as an object of revenue; for if the impost on importations were extended to it, some money would be produced by it; but the principal advantage would be that it would contribute to turn the trade into the channel of the United States.

There is no doubt that the furs of that country might be brought up the Ohio River at as little or even less expense than attends the carriage of them to Canada. It has been tried by one person, a Mr. Vigo, and found to answer; although the goods he carried out were transported by land from Philadelphia to Pittsburgh, and loaded with an impost the competitors were free from, they came to market on better terms than those from Canada. Could those also be subjected to it, a decided advantage would be given to the American trader.

There is another communication between Canada and the Mississippi by the Wisconsin River, a little above the mouth of which is the Prairie du Chien. At that place there was a considerable town, while the country was in the hands of the French. It has gone to ruin; but by that communication the British carry on all the trade of the upper part of the Mississippi, and at the Prairie du Chien, they assemble twice in every year in great numbers; frequently, I have been informed, to the amount of five or six hundred persons. It would certainly be for the national honor that an establishment that would command that communication was made; but the great distance, and the difficulties that might attend the supporting it, will probably prevent it at present. An establishment at the mouth of the Illinois River would also be very useful, both with respect to the trade of that river and of the Missouri; but its being regularly inundated once or twice a year forbids it. There is, however, an excellent situation some distance lower down, and nearly opposite to the Missouri, at a place called Payisa, that would answer; the situation is high, the air pure and healthy, and the soil good, and across the country it is not more than three miles distant from the Illinois River. It was the opinion of the best informed men I conversed with at Cahokia, and from St. Louis, that if a town were laid out there and a small military post erected, it would be peopled immediately, and St. Louis soon fall again into the same unimportant situation it held before the misfortunes of the Illinois country.

At present, however, St. Louis, is the most flourishing village of the Spaniards in the upper part of the Mississippi, and it has been greatly advanced by the people who abandoned the American side. To that they were induced, partly by the oppression they suffered, and partly by the fear of losing their slaves, which they had been taught to believe would be all set free on the establishment of the American Government. Much pains had indeed been taken to in-

+ [illegible] important
the downfall [illegible]
the building [illegible] St Louis —

culcate that belief (particularly by a Mr. Morgan, of New Jersey), and a general desertion of the country had like to have been the consequence. The construction that was given to that part of the Ordinance which declares there shall be neither slavery nor involuntary servitude, was, that it did not go to the emancipation of the slaves they were in possession of and had obtained under the laws by which they had formerly been governed, but was intended simply to prevent the introduction of others. In this construction, I hope, the intentions of Congress have not been misunderstood, and the apprehenson of the people were quieted by it. But the circumstance that slaves can not be introduced will prevent many people from returning who earnestly wish to return, both from a dislike to the Spanish Government and that the country itself is much less desirable than on the American side. Could they be allowed to bring them back with them, all those who retired from that cause would return to a man.

There is a small settlement up the Illinois River at the old Peoria town. A person of the name of Mayet had been appointed commandant of the militia there by General Clarke, and had continued in that station until my arrival. As he was found to have considerable influence with the savages, and had conducted himself with some degree of approbation, it was thought best to continue him, and a commission of captain in the militia was given to him, with the instructions marked No. 15.[1]

Should it ever be thought proper to interdict the communication with Canada by the Illinois River, there is no place at present in the possession of the United States that would answer the end so well as this at the old Peoria town. The river is very narrow, and the channel lying close to the shore, every boat is obliged to pass within small musket shot. It did not appear proper for me to interrupt that communication at that time; for, though on the principle of reciprocity, it would be perfectly justifiable in the United States. They should be prepared to fill up the void that would thereby be created. The savages, the inhabitants, and the Spaniards would at once be cut off from a very necessary commerce. It was for that reason that Mayet was directed to suffer persons to pass and repass who were furnished with passports. Several of the Spanish merchants applied for and obtained them under the express condition that they were not to attempt any trade with the Indians. This seemed to be all the hold that could then be well taken of it, and it held out the idea that the direction and the restriction of the communication was in the contemplation of government.

---

[1] These instructions were to the effect that he should conduct himself with such impartiality between the whites and Indians as to secure and retain the confidence of the latter. He was to see that justice was done, relieve distress, as far as practicable, and see that the inhabitants did not act imprudently. In this paper St. Clair paid a compliment to Mayet for the wise discretion with which he had previously discharged the duties of his office.

By the ordinance for regulating Indian affairs, no person was to be allowed to travel through the Indian nations without having received the approbation of the superintendent. The passports above alluded to were founded on the clause of the ordinance; but by the law lately enacted for regulating the trade and intercourse with the Indians, it has not been re-ordained. A doubt arises whether the ordinance is not repealed by the law, and that consequently any person may travel through the Indian nations without asking permission of any one.

A contract subsists between Flint and Parker and the late Board of Treasury for a great tract of land in the Illinois country. No part of the contract has, I believe, been complied with on their parts, and probably never will be; but if it is not attended to before a law passes for erecting an office for the sale of the lands it may create embarrassments hereafter.

Orders were issued for erecting prisons and an assignment of lots to build them upon. The lot at Cahokia had been reserved, when the town was first laid out, for public use, and to that at Kaskaskia no person had laid claim. A proclamation was issued forbidding strangers to hunt in the territory, and another to prevent the cutting and carrying away building timber and firewood to the Spanish side. They were occasioned by the representations of the people that very great injury was done to individuals and to the public by the Spanish subjects cutting down and carrying away the timber, while they were not allowed to bring even a stone (which are plenty on that side and scarce on this) from that shore, and that great numbers of them assumed the liberty of hunting buffalo for the market of New Orleans, to the prejudice of the citizens, who were not allowed to fire a gun, upon any account whatever, on the Spanish side.

It would have been much more proper that many of those matters, which have been attempted to be regulated by proclamation, should have been provided for by law; but the absence of the Judges prevented it.[1]

---

[1] A private letter from Washington to St. Clair, cautioning him against such general legislation, will be found on page 198.

Having had occasion to make some representations to the Spanish commandant at St. Louis and St. Genevieve, although they are not of much importance, yet I believe it is proper to submit the letters that passed between us. They are contained in the bundle marked No. 19. No. 20 is a proclamation of the Governor of New Orleans.[1] Since that I am informed another has appeared, permitting the importation of every thing the growth of the countries bordering upon the Mississippi and Ohio Rivers to that city, on the payment of fifteen per cent. *ad valorem.*

I have not been able to obtain a copy of it. When the two emissions of paper money were called in by Congress, a considerable sum of those emissions was lodged in the office of a notary public at Kaskaskia, by the direction of the lieutenant of the county of Illinois; there it yet remains, and the owners have received no satisfaction for it of any kind. They complain of this, and it would seem not without reason. There is some obscurity in that part of the Ordinance which describes the persons who are to be considered as ancient settlers; the words are "who on or before the year 1783 professed themselves citizens of the United States, or any of them." A doubt arises to what part of the year the word *on* refers. Does it include the whole year, or is it confined to the first day of it? Congress may perhaps think proper to give it a determinate application.

Among the claims for land that have been rejected there are several that are founded on purchases made from individual Indians, and the conveyances set forth that they were inherited from their parents, and were not the property of the nation. It could not, however, be discovered that any division of the lands of the Kaskaskia Indians had ever taken place among themselves, and the chief of that nation has applied to be confirmed in a tract of land of about five or six thousand acres, where their village was situated not long ago; and which would take in the parcels that have been sold and applied for as above. On this claim no decision has been made. It appeared to be a subject that ought to be referred to Congress; but I may be allowed to observe, if one Indian sale is approved, it is probable that a great many will be brought forward.

At the Falls of the Ohio, when on the way to Kaskaskia, information was received that the inhabitants of Post Vincennes were in danger of perishing for want of corn, their whole crop of the last fall having been destroyed by an untimely frost.

---

[1] Proclamation of Governor Miro. See p. 122.

I immediately wrote to Major Hamtramck, and requested him, if he found the case to be as it had been represented, to send to the agent of the contractors for supplying the troops for as much as would be absolutely necessary for their preservation. It appeared to be a duty incumbent upon me to preserve the lives of the citizens of the Territory, and I flatter myself that the measure will meet the approbation of the Legislature.

The papers No. 22 and 23 are lists of the heads of families at Cahokia and the Prairie du Pont, and No. 24 is the request of a Mr. Gibaut for a small piece of land that has been in the occupation of the priests at Cahokia for a long time, having been assigned to them by the French; but he wishes to possess it in propriety. It is true that he was very useful to General Clarke upon many occasions, and has suffered very considerable losses; I believe no injury would be done to any one by his request being granted, but it was not for me to give away the lands of the United States.

Before I close this report, it may be necessary to mention the necessity there is for a printing press in the Western Territory. The laws adopted or made by the Legislature are declared to be binding upon the people until they are disapproved by Congress. There is no way of giving them any publicity but by having them read at the courts, and but few people become thereby acquainted with them. Even the magistrates who are to carry them into execution are strangers to them, for the Secretary does not conceive it to be his duty to furnish them with copies; indeed, the business of his office increases so fast that it would be impossible to do it. Besides, they are in English, and the greatest part of the inhabitants do not understand a word of it. The translation of them, therefore, seems to be necessary, and that a sufficient number of them should be printed in both languages, and that can only be done in the Territory, where the original rolls are deposited. Every public act of communication, of what kind soever, I was myself obliged to translate into French, and, having no person to assist me, it made the business extremely laborious.

The situation of Indian affairs rendering it necessary that I should return to the seat of government, I did, by letter, resign the government of the Territory into the hands of Mr. Sargent on the 11th day of June, and embarked for the headquarters of General Harmar to consult with him on my way upon the measures that would be necessary and practicable for the defense of the country.

Some apology seems to be necessary for some of the papers that accompany the report appearing in the French language.

The originals of all of them which required publication were published in English, as well as in French. All the communications with the Indians, which were numerous, had to be translated into that language on account of the interpreters, as well as answers into English. From June until my arrival in the city, I have been in constant motion, either on horseback or in an open boat, where the copying of papers was impossible had I not been separated from them; and they did not come to hand here till very lately. In that time I was obliged to travel above four thousand miles. The necessity that this report should be made before the present session of Congress ended seemed to forbid any farther delay, and will, I hope, excuse that impropriety.

P. S.—In the course of the last fall a considerable number of French emigrants have been introduced into the Territory, and on my last return from Fort Washington I found about four hundred of them at a place they have named Gallipolis, three miles below the mouth of the Great Kenawha, on the opposite side of the river. They were living in barracks that had been provided for them by the Scioto Company, but did not seem to be at all usefully employed, and were much discontented.

It was not half an hour after my landing, that a paper, presenting a view of their unfortunate situation, was put into my hands by a number of persons deputed for the purpose. My answer is inclosed. The regulations there promised have not yet taken place from the want of proper information with respect to the characters best fitted to fill the civil and military offices.[1] I had desired a list from some of the principal persons themselves, and one also from an agent of the Scioto Company, who resides with them, to have an opportunity of comparing them, not choosing to rely altogether upon the recommendation of either; but they were not sent forward, and the communication was cut off by the ice. About one hundred more of those emigrants are at the Muskingum, and one hundred at Buffalo Creek, in Pennsylvania, waiting the opening of the season to establish themselves near the Scioto.

---

[1] See letter on page 190.

GENERAL KNOX TO GOVERNOR ST. CLAIR.

WAR DEPARTMENT, *Sept.* 14, 1790.

Sir:—I have not been unmindful of the suggestion you made at the moment of your departure from this city relative to the establishment of a post at the Miami village, in event of the proposed expeditions succeeding in a certain degree. I have had a full communication with the President of the United States on the subject, to whom you had previously made the same suggestion, and the following ideas are the result thereof, and will serve for the direction of yourself and Brigadier-General Harmar on the occasion:

In contemplating the establishment of military posts north-west of the Ohio, to answer the purposes of awing the Indians residing on the Wabash, the west end of Lake Erie, St. Joseph's, and the Illinois, as much as Indians can be awed by the posts, and, at the same time, exhibiting a respectable appearance to the British troops at Detroit and Niagara, the Miami village presents itself as superior to any other position excepting the actual possession of the posts on the lakes, which ought to have been given up conformably to the treaty of peace.

This opinion was given to me by the President in the year 1784, and has several times been held forth by me to Brigadier-General Harmar.

But at the same time, it must be acknowledged that the measure would involve a much larger military establishment than perhaps the value of the object or the disposition of the United States would admit, and that it would be so opposed to the inclinations of the Indians generally, even of the tribes with whom we have made treaties, as to bring on inevitably an Indian war of some duration. In addition to which, it is supposed that the British garrisons would find themselves so uneasy with such a force impending over them as not only to occasion a considerable reinforcement of their upper posts, but also their fomenting, secretly at least, the opposition of the Indians.[1]

The proposed expedition is intended to exhibit to the Wabash Indians our power to punish them for their positive depredations, for their conniving at the depredations of others, and for their refusing to treat with the United States when invited thereto. This power will be demonstrated by a sudden stroke, by which their towns and crops may be destroyed. The principal means used will be the militia. Let us suppose the expedition to be successful, as I pray God it may; and let us estimate the force which would be justly required for establishing a post at the Miami village.

---

[1] This had already been done, and could not be made worse by the British short of marching a force of regulars into the Territory.

From the mode of Indian fighting, it will not be reconcilable to conclude that their force will be greatly reduced in the skirmishes they may have with Brigadier-General Harmar or Major Hamtramck. If, therefore, eleven hundred warriors, according to your judgment delivered to me, could be brought into activity from the Wabash and its vicinity (to which may be added a much greater number if we should suppose the Wyandot, Delaware, and the St. Joseph and Illinois Indians should be connected with them), the post to be established ought not to have a less garrison than seven hundred and fifty men. Were it inferior to this number, it would always be liable to be invested, and to have its supplies cut off, even when armed in its vicinity. Whether the posts of communication essentially necessary to the existence of the Miami post should be up the Wabash, up the Miami of Ohio, or the Miami of Lake Erie, there would require at different places at least five hundred men.

To establish the post, in the first instance, so as to render it superior to the Indian force in the neighborhood, would require all the troops employed on the expedition, to-wit: two thousand; for if a sudden stroke by which the attention and force of the Indians should be divided would require that number, the notoriety of the establishment of a post, and erecting fortifications at the Miami village, in the heart of the Indian country, would require the same or a superior number, as the Indians would then have one object of their attention and exertion. To complete the works at the post, and the essential communications, which would require probably two months, would the militia stay for that period? and, if so, would a part of them remain in garrison afterwards for six months? for the four hundred Continental troops to be employed on the expedition would be utterly inadequate for all the services required.

Besides, the post could not be established unless it had a number of pieces of cannon and a proper quantity of stores, and also three months' provisions, in the first instance. The transportation of these articles would require considerable time and a great apparatus.

It might be added, further, that although the establishment of a strong post at the Miami village would awe the Indians, yet experience has demonstrated that posts will not prevent the depredations of small parties against the frontiers.

To render the measure entirely effectual, and at the same time to guard the public lands from intrusion, the regular force to be employed north-west of the Ohio ought to be increased to eighteen hundred men.

This establishment would not be compatible either with the public view or the public finances, unless it should result from mere necessity. A due consideration, therefore, of the several circumstances render the measure at this period inexpedient, and, therefore, not to be undertaken.

The expedition will either incline the Indians to treat for peace, or it will induce them to wage open war in the ensuing spring. A further time is also required to know the intentions of the British court respecting the delivery of Niagara and Detroit. The decision of this point has an intimate connection with the peace of the frontiers.

The ultimate determination of Government must, therefore, depend on the result of the arrangements which have been directed, and which are in operation. It would not be wise to direct a measure which would give a wrong bias to affairs.

The President will be exceedingly desirous to learn the measures taken by yourself and Brigadier-General Harmar from time to time, and above all he is exceedingly anxious that every arrangement should be made to render the proposed expedition entirely effectual.

GOVERNOR ST. CLAIR TO THE SECRETARY OF WAR.

MARIETTA, *September* 19, 1790.

Sir:—I have the honor to inform you that I arrived at this place on the 15th instant, and brought with me the last of the militia from Pennsylvania. A detachment had moved before I reached Pittsburgh, and has since proceeded to headquarters, and this morning Major Doughty, with this last party and the garrison of Fort Harmar, moves down likewise, and as the passage will not take more than four or five days, the whole will probably assemble at Fort Washinton at nearly the appointed time, as I am informed that those who are to come from Kentucky will be punctual. It is with pain, however, I am obliged to mention a deficiency in the quota of Pennsylvania of upwards of two hundred men. It is possible that, from the further power the President has been pleased to invest me with, that deficiency may be supplied in time, but that can form no excuse for the Executive of that State, who never took the least step in consequence of the information received from the President, that eventually a call might be made upon the State by me, and for want of which step the whole business might have fallen through, for the lieutenants of the counties hesitated about complying with the demand without their directions, and although they were applied to by them on the subject (and I know their application got to hand in time, for some of them I delivered myself), the Executive and Council did not give themselves the trouble to reply; and so little attention, indeed, had been given to the President's intimation, that in three of the four counties from which the drafts were to be made there were not, nor had there been for a long time, a single officer in commission beside the lieutenants.[1]

The depredations on the Ohio and Wabash still continue. Every day, almost, brings an account of some murder or robbery, and yesterday a number of horses were taken from this settlement. Not long ago, a boat belonging to Mr. Vigo, a gentleman of Post Vincennes, was fired upon near the mouth of the Blue River. This person the United States has been very much indebted to on many occasions, and is, in truth, the most disinterested person I have almost ever seen. He had three men killed, and was obliged, in consequence, to fall down the river.

This party, it seems, had been designed to intercept me, for they reported that they had had three fair discharges at the Governor's boat, and expected they had killed him. In descending the river, Mr. Vigo's boat fell in with Mr. Melchor, returning from the Tennessee, and attempted, in company with him, to ascend the Wabash. Here they were attacked again. Melchor escaped, and fell down, it seems, to Ance de-la-Graise, but the savages possessed themselves of Vigo's boat, which they plundered of all his and the crew's personal baggage and arms; but as she was navigated by Frenchmen, they suffered them to depart with the peltries, telling them that if they had not been in company with Americans, they would not have injured them, and if they found them in such company again they would put them to death. Captain McCurdy, likewise, was fired upon between Fort Washington and this place, and had five or six men killed and wounded.

---

[1] Governor Mifflin was guilty of the grossest neglect. In July, General Knox had advised him, as well as the county lieutenants, of the instructions given to Governor St. Clair and General Harmar. August 8th, General Butler advised him of the requisition made by the Governor of the Territory, under authority of the President, and included the instructions of the President, so that there might be no mistake, and wrote again on the 26th of August. No attention was paid to these letters. Mifflin was still malcontent. His feelings had not modified since the close of the Revolutionary War, and he was now a leader in a party opposed to Washington and St. Clair. Pennsylvania was greater than the Union.

Major Sargent, who will have the honor to deliver this, arrived two days ago. From him you will receive particular information with respect to the country below, which makes it unnecessary for me to detail it. He has executed the business he was charged with at Post Vincennes in a masterly manner, and you will oblige me by mentioning him to the President in the most favorable point of view, but his proceedings will speak for themselves. Mine on objects of the same nature in the country on the Mississippi have not been yet transmitted. The report was not made up when I was obliged to quit the country, in a sudden and unexpected manner, and the situations I have ever been in since rendered it impossible. As soon as the troops have moved from Fort Washington, for which place I shall embark to-day, I shall have leisure to attend to it, and it shall be forwarded, together with a particular account of every thing you have desired to be informed of.

The ammunition and quartermaster's stores are not yet arrived, but from a favorable rise in the river the wagons will not be obliged to go further than the Redstone; there is reason to expect them every moment.

Major Doughty leaves an officer and a party to escort them, when they do arrive. That circumstance, however, puts it out of my power to forward the letter, which I am directed to write to the commanding officer at Detroit, by an officer, for he has but one at this place. I must, therefore, look out for some private gentleman, and engage him to perform that service. I have inclosed a copy of that letter.

P. S.—Major Sargent discharged at Post St. Vincennes the accounts of the two Gamelins, who were sent by Major Hamtramck with the message to the Wabash Indians, amounting to two hundred and five dollars, and took their bills upon me, which I had desired them to draw, after the accounts should be certified by Major Hamtramck. Had I met the major at Fort Washington, I could have reimbursed him on the spot, but I can not do it here, nor with any convenience at New York. Will you be pleased to advance it to him, and charge it to my account as superintendent, for I know a disappointment would be very inconvenient to him, and you will much oblige me.

I have since got a very genteel intelligent young man, a son of Colonel Meigs, to go with the letter to Detroit.[1]

GOVERNOR ST. CLAIR TO MAJOR MURRAY, OR OFFICER COMMANDING THE BRITISH TROOPS AT DETROIT.

MARIETTA, *Sept. 19th*, 1790.

Sir:—As it is not improbable that an account of the military preparations going forward in this quarter of the country may reach you and give you some uneasiness, while the object to which they are to be directed is not known to you, I am commanded by the President of the United States[2] to give you the fullest assurance of the pacific disposition entertained toward Great Britain and all her possessions, and to inform you, explicitly, that the expedition about to be undertaken is not intended against the post you have the honor to command, nor any other place at present in the possession of the troops of his Britannic Majesty, but is on foot with the sole design of humbling and chastising some of the savage tribes whose depredations are become intolerable, and whose cruelties have of late become an outrage not on the people of America only, but on humanity, which I now do in the most unequivocal manner. After this candid explanation, sir, there is every reason to expect, both from your own personal character and from the regard you have for that of your nation, that those tribes will meet with neither countenance nor assistance from any under your command, and that you will do what in your power lies to restrain the trading people, from whose instigations there is too good reason to believe much of the injuries committed by the savages has proceeded. I have forwarded this letter by a private gentleman in preference to that of an officer, by whom you might have expected a communication of this kind, that every suspicion of the purity of the views of the United States might be obviated.

---

[1] St. Clair had been instructed by the Secretary of War[1] to notify the commanding officer of the British at Detroit of the projected movement, yet it will be seen that when this letter was actually laid before the President, he expressed fears that mischief would result from it.

(1) See letter of General Knox to St. Clair, p. 162.

[2] It would seem from the following note from General Washington to the Secretary of War, that there was either a misunderstanding on St. Clair's part as to the time the British were to be notified, or the Secretary was not authorized by the President to instruct St. Clair, as he claimed to be. St. Clair was instructed to give such notice, and, no date being specified, followed the letter of his instructions, which required such notice to be sent before General Harmar moved. The sequel showed that the policy was bad, inasmuch as the British were encouraging and assisting the Indians with provisions and ammunition, and Washington's misgivings were well-founded. It is probable that the instructions were really inspired by General Knox:

MOUNT VERNON, *November 4th*, 1790.

Sir:—I have received your letter of the 25th ultimo, with its inclosures.

I am apprehensive that Governor St. Clair's communication of the object of the expedition to the officer commanding at Detroit has been unseasonable, and may have unfavorable consequences. It was certainly premature to announce the operation intended until the troops were ready to move, since the Indians, through that channel, might receive such information as would fustrate the expedition.

I am, sir,
Your most obedient servant,
GEO. WASHINGTON.

JUDGES SYMMES AND TURNER TO GOVERNOR ST. CLAIR.

FORT WASHINGTON, *October 6th*, 1790.

Sir:—As it will be necessary to provide, as soon as possible, a seal for the General Court of the Territory, and also seals for the County Courts of Common Pleas and Probate, we take the liberty of submitting to your Excellency the propriety of an application to Congress for defraying the charges of cutting them. Mr. Turner has undertaken to furnish the device.

In the prosecution of our duties on the circuits we have already incurred, and must on every like occasion incur, some incidental expenses, which it would but ill comport with the salary at present allowed to a Judge of the General Court to defray. It is every-where acknowledged that the bench should be preserved independently. And on this principle the several States have allowed compensation to their judges for extra expenses occasioned by the circuits, either by paying such on producing accounts at the treasury, as in Pennsylvania; or, as in New Jersey, by allowing to each judge a fee for every circuit court he holds.

Your Excellency well knows that, as things are ordered in this Territory, the Judges of the General Court must employ the whole year on the circuits, unless they may happen to snatch a small portion of it for the purpose of legislating; and that this much must require a journey of one or the other of them to complete the number required to legislate. We beg leave to add here, with great deference, that the allowance to the bench is not, of itself, of that ample nature which the duties of the office and the expenses, fatigues, and danger unavoidable on these wide-extended circuits, seem in our opinion to require. We humbly conceive, therefore, that some additional provision will not be refused, whether it be for payment of incidental expenses actually incurred; or as a fee on every court held.

We now, presume, sir, to request that you will be pleased to submit the substance of this letter to the consideration of the supreme authority of the United States, at the approaching session of Congress.

GOVERNOR ST. CLAIR TO THE SECRETARY OF WAR.

FORT WASHINGTON, *Oct.* 29, 1790.

Sir:—I have the pleasure to inform you of the entire success of General Harmar at the Indian towns on the Miami and St. Joseph Rivers, of which he has destroyed five in number, and a very great quantity of corn and other vegetable provisions. It is supposed that about two hundred of the Indians likewise have fallen in the different encounters that have happened between them and the detachment, for there has been no general action; but it has not been without considerable loss on our part. The particulars I can not give you, as the officer (Ensign Britt) who was charged with the General's dispatches is not yet arrived, and there is some reason to fear he may be killed, or taken, as the party, which consisted of six only, were fired upon by the Indians about one hundred and twenty miles from hence and dispersed. Three of them are come in, and from them I have this intelligence, which may, I believe, be depended upon so far as it goes.

Of the Federal troops, Major Wyllys and Lieutenant Frothingham and seventy-seven men; of the militia, Major Fontaine, Captain McMurtry, and Captain Scott, a son of General Scott, and seventy-three men, are among the slain. It is said that the Indians, though they could not be brought to a general action, fought by detachment in a very determined and desperate manner. The moment Mr. Britt arrives, or I can get an authentic account, it shall be forwarded.

As there are now several vacancies in the regiment, will you allow me to bring to your recollection Mr. Hamilton Armstrong, a young gentleman who has served as a volunteer for two years, I believe. I know him to be a deserving young man and a good woodsman, and has on several occasions been intrusted with the command of detachments, and always acquitted himself with much propriety.

Governor St. Clair to the Judges.

Fort Washington, *October* 27, 1790.

Gentlemen:—Laws upon the following subjects[1] seem to me to be much wanted in the Territory—no doubt there are others equally necessary which will have occurred to you. I shall be happy that we might compare our ideas upon them, which will be a means of forwarding their coming into operation, and any other regulation

---

[1] A law to alter the terms of the Court of Common Pleas from twice in the year to four times, and increase the number of judges. A law to empower the Governor to divide the counties into districts wherein Courts of Common Pleas and general and special sessions of the peace shall be held as is directed for the counties in cases where the local situation of the inhabitants would render the administration of justice difficult if the said courts were held at one place in a county only, while the inhabitants are not sufficiently numerous to admit the erection of a new county, and to confirm the districts appointed by proclamation in the county of St. Clair.(1)

A law to authorize and require the Courts of General Quarter-session of the Peace to divide the counties into townships, and to alter and increase the same from time to time, as it may become necessary; and to appoint, at some certain session, annually, constables, supervisors of the highways, and overseers of the poor; to define the duties of those officers, and to increase the quorum of the said court.

A law to authorize the said courts, upon the petition of the inhabitants, not less than to lay out, at the expense of the petitioners, highways, by appointing a fit number of indifferent persons to view and survey the same, and before confirmation upon application to grant reviews, the survey to be recorded on the docket.

A law to lessen the expense of law suits, by rendering it unnecessary to put the proceedings on paper, a short note made by the clerks on the docket of the pleas, and answer all the purpose—for example:

March Term. Wilson, John Stokes *vs.* Lewis T. Stiles.	Capias Debt, Dm.B. B. Special Bail, April 1st, was filed —*non est factum*, and prays *oyer—factum* and issue, June court, August court—rule to take the affidavit of ——, December. Judgment —— of ——. Enter jurors' names and verdict.

A law to empower the Governor to license taverns and vendors of spirituous liquors in quantities less than one gallon, and suppress tippling houses. An excise law. A Fee Bill. A law to regulate hunters.

---

(1) The justices are not appointed for the districts, but the counties; the counties are divided into districts, and courts were ordered to be held in them.

that strikes me I shall communicate from time to time, and shall always be happy to concur with you in any thing that appears to promise the happiness and prosperity of the people who are committed to our care.

GOVERNOR ST. CLAIR TO SECRETARY OF WAR.

FORT WASHINGTON, *November* 6, 1790.

Sir:—On the 29th of last month, I had the honor to inform you generally of the success that attended General Harmar. I could not then give you the particulars, as the General's letters had not reached me (the officer, however, who had them in charge, got in a few days afterwards); it is not now necessary, because he writes himself. One thing, however, is certain, that the savages have got a most terrible stroke, of which nothing can be a greater proof than that they have not attempted to harrass the army on its return. They arrived at this place on the 3d instant, in good health and spirits. There is not yet any account from Major Hamtramck; I trust he also has been successful; but this, I think, is certain, that no great misfortune can have happened to him, for in that case, we should certainly have heard of it.

Mr. Denny,[1] the gentleman who takes General Harmar's dispatches, I beg leave to mention to you in a particular manner; and if you will be pleased to do so to the President in his favor, you may be assured he will not disappoint any expectations that may be formed. He has every quality that I could wish a young man to possess that meant to make the army his profession. There are, however, some traits in his character as a man, that are not generally known, that would endear him. Out of the little pittance he receives, he has maintained two good aged parents for a long time.

GOVERNOR ST. CLAIR TO THE FRENCH INHABITANTS.

GALLIPOLIS, *November* 21, 1790.

Gentlemen:—It was with great pleasure I heard of the arrival of a number of Frenchmen in this country, bound to each other as the French and Americans are by the dearest of all ties. I hoped that here they would have found that independence and happiness which is the reasonable wish of all mankind; and, although it may have been delayed, it is my fervent wish, as it is a well-grounded hope, that it has been only delayed.

---

[1] Lieutenant Ebenezer Denny.

I feel, gentlemen, very sensibly, your situation, and nothing on my part shall be wanting to render it as agreeable as circumstances will admit of; but, in the establishment of new settlements there are difficulties to be encountered; patience and perseverance will get the better of them, and when they are got over, they become real pleasures on reflection. I know the generous sentiments of Frenchmen too well to fear that difficulties arising from the nature of the case can discourage them.

I am altogether unacquainted with the nature of the contract that has been made with the Scioto Company, or what may be the specific pretensions of individuals. The laws of the country will, however, compel justice to be done, and those laws will be extended to you as early as it is possible. They can know the Scioto Company as an individual only, and their course must be general; you will, therefore, readily perceive the impossibility of a person being appointed to judge expressly between the colonists and that company. Courts will be established, where justice will be duly and regularly administered according to the laws, and where neither favor nor influence will have any weight; and it will be among the first matters I shall attend to, after my arrival at Marietta, to make those arrangements for your security and peace; but, as they must all pass through the Secretary's office, they can not be taken earlier.

After having borne with the difficulties of your situation hitherto, I entreat you to bear with them yet but a very little longer, for I am as strongly impressed with the necessity of an established police, as well as a militia, as you yourself can be; and, be assured that it is my warmest wish that you may find in the land of liberty that happiness which is the reward and the incentive to an active life, to procure which for you, gentlemen, you may depend upon my best endeavors. I thank you, gentlemen, very sincerely, for your good wishes.

THOMAS FITZSIMMONS TO ARTHUR ST. CLAIR.

PHILADELPHIA (*without date*).[1]

Dear Sir:—Soon after you left us, a meeting was held between some members of Convention and Assembly, when it was agreed that you should be proposed to the people to fill the seat of chief magistrate. I did not attend the meeting, nor do I know, particularly, who the individuals were that composed it. I have reason to believe they were men in whose opinions the people would place reliance, and that they would take pains to promote the measures they agreed to. By the dissolution of the Legislature, the election for Federal representatives is of necessity delayed till a bill can be passed by the succeeding one, and this leaves me at liberty to take a part in the present business without trespassing on the delicacy which I should feel if I was personally concerned. By way of calling the attention of our country friends to this subject, a few of us met and agreed to a letter, which we signed, and have directed to some persons in each county. I have inclosed one, that you may judge of the propriety of it, if you should hear it questioned, and to convince you that some of your friends will not spare pains to accomplish what they believe would prove highly advantageous to our country. I have written to some friends, too, on the subject, to apprise them of our zeal and activity. What the effect may be I do not undertake to predict, but the confidence I have in the good sense of the people of Pennsylvania will not permit me to despair. I am sorry, however, to observe that there is a timidity in some of the people to wish well to the opposition, who are yet deterred from giving offense to the other candidate. If any thing was necessary to enforce the necessity of an opposition, this might so have that effect; for, if before the issue is known that sort of an apprehension is entertained, how much greater will it be when possession gives power and influence? In any event, I conceive it to be a duty to contend for what is right, be the issue as it may. Having but just heard of this, I have not time to be very particular. I can only assure you that every support which I can give may be relied on, from a persuasion that, if we can accomplish our object, the State of Pennsylvania will be happy under your administration.

---

[1] Though this letter is without date, yet, from the reference made to the election of Representatives to Congress, and the allusion to the opposition, I am inclined to fix the period just after the formation of the State constitution. The effort of the Federalists was unavailing, even with St. Clair as a

---

GOVERNOR ST. CLAIR TO THE SECRETARY OF WAR.

MARIETTA, *November 26th*, 1790.

Sir:—I have the honor to acknowledge the receipt of your letter of the 14th of September, which I met with on my return, on the

---

candidate. General Mifflin, who was a plausible, popular leader, espoused the cause of the opposition, and won.

20th instant. It was so long upon the way that it would have been impracticable to have taken measures I contemplated had they been approved and directed. I confess, however, I feel some regret that an establishment at the Miami village was not deemed proper, because I had considered it as the best result of a successful campaign, and the surest means of obliging the Indians to be at peace with the United States; and it does not appear to me that near so great a force as you mention would have been necessary. I believe three hundred men would have been quite sufficient; they were upon the ground; had artillery with them, and there were provisions enough of the bread kind at least, which they were obliged to destroy, to have served them for a twelvemonth. In three weeks' time, with the aid of the militia, they might have put themselves in a situation not to be insulted, and the militia would have staid for that purpose. It is true, sir, that I stated the force the Indians might probably bring into the field at eleven hundred men. I believe it is in their power to draw together that number at that place in a short time, and that so great a number did not meet General Harmar, was most probably owing to Major Hamtramck's diversion, but it is not in their power to keep them long together. They are totally unacquainted with economy in the use of their provisions, and it requires arrangements to which they are strangers to provide for eleven hundred men, even in a country where provisions can be obtained by other means than hunting. I was fortified in my opinion with respect to the usefulness of that post by that of a sensible Wyandot, which you have in some one of my letters, "that we never would have peace with the Western Nations until we had a garrison there." If, however, it would in the least have interfered with general measures which have been directed (which must embrace much greater and more important objects), I am very glad that it has not taken place.[1]

At any time hereafter, should it happen that the posts are not given up conformably to the treaty of peace and the Miami should be thought of, I believe the posts of communication should neither be on the Wabash nor on either of the Miami Rivers. Three, I suppose, would be all that are necessary, and they might be very small ones at that. Of the Great Miami of the Ohio, one at the crossing of the Piqua fork, if it should be found that the road would take that direction, but I believe it would pass to the westward of it altogether;[1] and a third at the crossing of the Miami of the Lake. The whole distance is very little, if at all, above hundred miles in a direct line from Fort Washington. It is certain that no post that can be established, how respectable soever it may be, will so entirely overawe the Indians as to prevent every depredation, more especially when there is another nation in their neighborhood who court them, and who instigate them to those depredations. For whatever they may say (and I hope it is true that the British government does not countenance it), they are prompted to much of the mischief they do by the British traders, and you will see by Mr. Meigs's letter[2] to me, a copy of which I have inclosed, that they meet with encouragement from other quarters than the traders. Mr. McKee's being among them distributing ammunition and stores at the moment they were to be attacked, looks so like the support of Government, that it is impossible they should view it in any other light. I step perhaps beyond my sphere, but I can not help asking if it is not a proper subject of national complaint?

---

[1] Governor St. Clair had suggested the advisability of building a fort on the Miami of the Lake, in case of the success of the military expedition, and had asked for authority for that purpose. In his reply, General Knox refuses the authority, and gives as a reason the large force that would have been required to maintain the post, and the expense that it would involve. These reasons were not sufficient. If it had been done when Harmar was on the ground, the disaster of the following year would have been averted, and peace obtained much sooner than it was, and at less expense. We shall see that in 1791, such fort was authorized, but it was then too late—the enemy were prepared.

I inclose you, likewise, a copy of a letter from the commander at Detroit, in answer to mine by Mr. Meigs. The prisoners which he mentions to have been taken by the Saquina (?) nation, and makes a merit of having sent to Fort Pitt, I have as yet no particulars of. The Saginaws are under the absolute influence of the Indian agent at Michilimackinac, and it is known that he has sent parties to the Ohio, even without the consent, and contrary to the orders of the commanding officer there. The sending those lately to Pittsburgh was a shallow artifice. It was obviously to gain intelligence, and was too thinly covered not to be seen through. Why else were they not sent to the nearest post? Your letter of the 19th of May,[1] recommending to my attention the French who have arrived in this country, was also delivered to me on the river. I am persuaded that some protection will be necessary for them as well against the savages as at least to support the civil authority, which will be established in the settlement forming near the Kanawha, as soon as posible, and in all the others, as they take place. I stopped part of a day at Gallipolis, which is the name they have given that establishment, and found about four hundred persons there, in a very discontented and mutinous disposition a great part of them. I very much fear that much disappointment and chagrin will attend this project, and that an interested speculation of a few men, pursued with too great avidity will reflect some disgrace upon the American character, while it involves numbers in absolute ruin in a foreign land. Nothing, however, that depends upon me shall be wanting to render their situation as eligible as circumstances will admit, for it is certainly important that they should ultimately succeed. Their success, however, can never in any degree answer the expectations that have been raised. I presume, sir, it will be necessary to be explicit with General Harmar on the subject of the protection he is to afford them. The dispersed situation of his regiment, and the inconceivable fatigues the men are exposed to upon this river, in searching for provisions and escorting it from place to place, and their frequent want of it altogether, puts but little in his power.

---

[1] That is, if the road from Fort Washington to the Indian towns on the headwaters of the Maumee took that direction. This statement leaves Fort Washington to be considered as one of the three forts. In 1791, the plan was changed so as to include a post just west of the Champaign country (favorite hunting grounds), in what is now Darke County, Ohio.

[2] The letter written by Return J. Meigs, Jr., has not been found among the St. Clair Papers, or in the files of the War Department.

---

[1] In his letter of the 19th of May, General Knox said that a number "of French gentlemen, of respectable character, had arrived in the United States, in order to settle on lands contracted for by Messrs. Cutler & Co. They propose at present to form two settlements, one opposite the mouth of the Kanawha, and the other not far from the Scioto. The first settlement will be by the Chevalier Bré de Bouvin, and the other by Monsieur de Barth, a member of the National Assembly. These gentlemen, alarmed at the reports of Indian depredations, have applied for the protection of the United States." General Harmar was, therefore, to be authorized to station a company at that place. "You will be sufficiently impressed with the importance and propriety of affording them all the countenance and protection their circumstances may require and your situation admit." The sad story of these French emigrants is familiar to every reader of American history. After being swindled through the agency of Joel Barlow, set down upon lands to which no title could be given, they, fresh from the streets of gay Paris, were confronted with the task of making a living on land covered with heavy timber, in a country filled with hostile natives. Many died in the attempt, others made their way to St. Louis and New Orleans, and a few remained. In 1795, Congress donated twenty-four thousand acres in the south-eastern part of what is now Scioto County, Ohio, for the benefit of the sufferers.

I got to this place Saturday, in company with the remains of Captain Zeigler's and Captain Hart's companies, which form the garrison at Fort Harmar; but there is not an ounce of provisions of any kind for them, nor is it known when any will arrive. The consequence is that provisions must be obtained from the inhabitants; but what can an infant settlement like this supply? You have now a new set of contractors. It is to be hoped—no, it is to be wished—that they may do better, but it is scarcely possible. The contract was at a price before at which the supplies could not be furnished without loss. It is now at a loss, and the poor soldiers will be the sacrifice. The small articles which form a material part of their small ration will never be furnished at all, as they have heretofore been but very seldom furnished, and the money that should be paid for them will sink in their own hands for some trifling article sold them at an extortionate rate; for the soldier will take any thing in exchange for a piece of paper, which he has no other way of taking care of than in his knapsack. Excuse me, sir, I pray you, for these observations; I know they need an excuse, but I have been a witness to so many instances of that kind that I can not suppress my resentment.

There were no accounts from Major Hamtramck that could be called authentic when I left Fort Washington. Whatever they may be, you will most probably receive them overland before they reach this place; but a person who arrived there from Kentucky two days before my departure, reported that he had seen the commanding officer of one of the battalions who had been upon the expedition, who told him that the militia were all returned; that the Indians fled before them wherever they appeared; that four of their villages and all their provisions had been destroyed, and that they had not lost a single man. I pray God the information may be near the truth. The success will then be as complete as it could have been wished, and the first news we hear will be an humble supplication for peace.[1] Should that, however, not happen soon, I will find out through the Wyandots, and take measures to let them know that it will not be refused to them if they desire it on reasonable terms. The messages to the Ottawas and Chippewas, General

---

[1] In this St. Clair and the President were disappointed. The influence of the British and the effort of Brant to establish a confederacy, restrained the Indians, and led them to believe it possible to drive the whites back across the Ohio.

Harmar did not find an opportunity to send forward. I shall send them yet, with another adapted to the occasion.[1]

MAJOR HAMTRAMCK TO GOVERNOR ST. CLAIR.

FORT KNOX, POST VINCENNES, *December* 2, 1790.

Sir:—I hope your Excellency will excuse me if I take the liberty of writing on a subject so remote from the duty of a soldier. I do it because you have requested it of me in your letter of January 23, 1790, and if I have not communicated my sentiments before, it was from an apprehension that they might be contrary to the general opinion of Indian affairs. They are now presented to your Excellency with full expectation that it will not be ascribed to arrogance or ostentation on my part, it being the result of the purest intention. On those calculated expectations I will speak freely, and give as my opinion that nothing can establish a peace with the Indians as long as the British keep possession of the upper forts; for they certainly are daily sowing the seed of discord betwixt the measures of our Government and the Indians.

Perhaps the Indians will call for a peace early this spring. If so, I can assure you that I am not mistaken if I prognosticate that it will be done to deceive us, and ought not to be granted before we have another expedition, and have established respectable garrisons in the most important parts of their country; then will we be able to make peace on our conditions, and not on theirs.

The Indians never can be subdued by just going into their towns and burning their houses and corn, and returning the next day, for it is no hardship to an Indian to live without; they make themselves perfectly comfortable on meat alone; and as for houses, they can build them with as much facility as a bird does his nest.

As for obtaining any advantage of them in action, there is, in my opinion, very little to be calculated on that head; for they will not fight without having a decided advantage over their enemies, and if they find they can not meet them, they always have a sufficient country, which affords them a secured situation.

Should Government be disposed to carry on an expedition in the spring without establishing garrisons in their country, I would then beg the permission to suggest an idea, which would be to surprise them in their towns, and which can be done by having all the men mounted on good horses, and every man to be his own commissary;

---

[1] Which was done, but without favorable result.

that is, he should furnish himself with provisions for so many days; by that means a large body of troops would be able to perform (with probability) such an expedition undiscovered, and with very great dispatch. This plan appears to me to be the most eligible one that can be adopted; for if the United States want to chastise the Indians, there is no other way to do it with success than by surprising them in their town or camp. Another observation which I beg to make, that, admitting a treaty should take place this spring, the people of our frontier will certainly be the first to break it. The people of Kentucky will carry on private expeditions against the Indians and kill them whenever they meet them, and I do not believe that there is a jury in all Kentucky who would punish a man for it. These combined circumstances, sir, make me think that, until we are securely intrenched in the Indian country, we never can be sure that peace is fully established; for as the thirst of war is the dearest inheritance an Indian receives from his parents, and vengeance that of the Kentuckians, hostility must then be the result on both sides.[1]

GENERAL WASHINGTON TO GOVERNOR ST. CLAIR.

[Private.] PHILADELPHIA, *January* 2, 1791.

Dear Sir:—In the journals of the proceedings of the Executive in the North-western Territory, there appears to be certain regulations made by the Executive under the articles of the 25th of April, 6th, 28th, and 29th of June last, which can, with propriety, only be established by laws.[2]

In noticing these, my mind naturally recurred to your letter to me dated at Cahokia, on the 1st of May last, wherein you observe that the absence of the Judges had embarrassed you a great deal; and, after waiting for them as long as possible, you had been under the necessity of directing by proclamation certain regulations, suited to the peculiar circumstances of the country. These you had no doubt would be soon confirmed by law, and the necessity of the case offered an excuse for having exceeded your proper powers.

The imperfect state in which the legislation of the North-western

---

[1] This letter shows a very clear apprehension of the situation and knowledge of the Indian character. There is no writing of the period that deserves a closer study.

[2] This refers particularly to the division of the Illinois country into three judicial districts, the necessity for which was fully set forth by St. Clair in his communication to the President.

Territory is, the want which the Executive has often felt of the necessary coadjutors to adopt even the most urgent laws, and the peculiar situation of a frontier country, are circumstances which may not strike every one who will observe that the Executive has gone beyond his proper powers. It, therefore, becomes a matter of high importance that the utmost circumspection should be observed in the conduct of the Executive, for there are not wanting persons who would rejoice to find the slightest ground of clamor against public characters; and paying no regard to the absolute necessity of the case, which caused a momentary stretch of power, nor the public good which might be produced by it, they would seize the occasion of making impressions unfavorable to Government, and possibly productive of disagreeable effects.

I have, therefore, thought it best to give you this intimation in a private and friendly letter, that by circumspection malice may be disarmed.

CAPTAIN DE LUZIERE TO GOVERNOR ST. CLAIR.

PITTSBURGH, *February* 20, 1791.

My General:—I profit with pleasure of the opportunity of M. Thibaut, who returns to Philadelphia, to have the honor of presenting you my respects, and to hand over to you the letter here inclosed, which I received from the messenger of M. Daubigny, my friend, whom I have left at Buffalo Creek. You will there read the details, most touching, of a new scene of horror committed by the savages in the environs of Buffalo. Since then they have multiplied upon all points of the Ohio. There is not a single doubt that all the Indians are agreed to make war and to destroy all the settlements formed on the right bank of La Belle Riviere. I believe it my duty to inform you, my general, that one is not even without inquietude in this town, where the citizens assembled themselves yesterday to advise as to measures to be taken in case of incursions on the part of the Indians. I flatter myself that we shall not have to wait long to see you here again. Your presence will surely contribute much to tranquilize their minds. I shall be very glad personally to be in a position to pay you my respects, and to repeat to you *viva voce* the assurance of the sentiments of infinite respect.

Lieutenant Denny to General Harmar.

Philadelphia, *March* 9, 1791.

Dear General:—The great people here have at length determined to carry on another campaign against the savages upon a more extensive plan than the last. In the meantime, they have thought it necessary to order a temporary expedition, entirely of militia, for the purpose of amusing the Indians and to prevent them from committing any further depredations on the frontiers. Mr. Brown, of Congress, is furnished with ten thousand dollars for this business. G. K.[1] took up so much time in forming his report for Congress, and both houses debated so long upon it, that I am doubtful whether men can be enlisted for this grand object and marched over the mountains in season; the encouragement will not be sufficient, though six dollars bounty is to be given. I was in hopes that when these military arrangements were all settled that G. K. would dispatch me for headquarters, but I am now afraid he means to detain me to recruit.[2] Armstrong has received his instructions, and began this day; Beatty and myself are yet waiting in suspense. I wish most sincerely to be with you, for I am perfectly sick of the court and all courtiers.

---

[1] General Knox.

[2] Congress authorized the increase of the regular force to three thousand men, and the employment of militia, so as to make the force not less than three thousand men for field service. The President appointed Governor St. Clair Major-General, and placed him in command of the army. Colonel Richard Butler was promoted, and placed second in command. It was resolved to make a campaign against the Indians in the summer, and the Secretary of War agreed to have the troops at Fort Washington in July. It will be seen from the correspondence here offered that the recruiting went on indifferently, and that as late as September the army promised had not been supplied. General Knox then directed General St. Clair to make up the deficiency from the militia; that when the troops finally went to the field they were raw, without discipline or harmony of organization; that the quartermaster and contractors failed in every particular, and that the construction of forts and roads, as ordered, delayed the march until after frost, when the forage was destroyed; and that in all respects the government and its agents had failed to fulfill promises, and by this failure success was rendered impossible. What St. Clair accomplished, under the adverse circumstances, was really remarkable, and is evidence of his great activity and will-power, as for weeks his orders were delivered largely from a sick bed, on which he was prostrated with his old enemy, the gout. For an account of the campaign, see Vol. I., pp. 167–185. See also letter of General Washington to Colonel Darke, April 4th, *post*, 203.

Captain Beatty writes to you by this conveyance, and incloses the military establishment, by which you will find that Major —— is appointed lieutenant-colonel commandant of the Second regiment. Some reasons, which will operate very forcibly upon him, make me think that it is uncertain whether he will accept or not. Some people are troubled with the *cannon fever*, and if I am not much mistaken, he was very subject to it; a feather bed would be a fitter place than the field. The Governor being appointed to command the army this summer, I hope you will be reconciled. I am very confident that no other man would be submitted to; but the long friendship which has subsisted between you both, and his commission expiring at the end of the campaign, as I am informed it does, will make it more easy.[1] Believe me, he has been a sound friend when you greatly stood in need of one.

MAJOR ISAAC CRAIG TO GENERAL KNOX.

FORT PITT, *March 6th*, 1791.

The people on the frontier are exceedingly alarmed.[2] Parties of volunteer militia have been sent from several parts of this county and Washington, or patrols, one of which fell in with a party of friendly Indians at the block-house on Beaver Creek, where they had been at a store, killed three men and one woman, notwithstanding the Indians called to them in English, two of them being Moravian Indians, and known to several of the patrols.

---

[1] General Harmar, who was smarting under the unjust criticisms made on his campaign in 1790, seeing Butler promoted and placed second in command, declined to continue in the army. After his acquittal by a court-martial, which sat at Fort Washington in September, General Butler, President, he resigned his commission, and returned to Philadelphia.

[2] The evidences of Indian warfare were every-where being manifested. We find that at a meeting of the Ohio Company at Marietta, January 7th, resolutions were adopted to meet the emergency. It was determined to draw in some of the outlying settlements, put the remaining posts in better condition for defense, and prepare the militia for service. The preamble reads as follows: "Whereas, there is reason to believe that the campaign made against the Shawanese and other Indian nations the last year is so far from humbling them and inducing them to sue for peace, that, on the contrary, a general war will ensue, and which has already broke out against the people on the Ohio Company's lands by the surprise of the block-house and the breaking up of the settlement at Big Bottom on the evening of the 2d instant, in which disaster fourteen persons lost their lives, and three others are missing."—*MS. Proceedings of the Ohio Company.*

Although this action appears very much like deliberate murder, yet it is approved of, I believe, by a majority of the people on the Ohio.

GENERAL KNOX TO GENERAL ST. CLAIR.

WAR DEPARTMENT, *March 23d*, 1791.

Sir:—I inclose you the representation of the Cornplanter, a chief of the Seneca Indians, to the President of the United States, complaining of the murder of some friendly Indians, on the 9th instant, who had been residing at Big Beaver Creek.

This matter will be attended by the most pernicious consequences, unless promptly averted by decisive measures. I have stated the case to the Governor of this State,[1] suggesting the propriety of demanding the accused for trial of the State of Virginia, and such other steps as the case may require.

But as the measures to be expected from a legal process will be both slow and uncertain, it is important that the General Government should do all in their power to express a marked disapprobation of the act, and heal, if possible, the wounds which the friends of the Indians have received on this unfortunate occasion.

You will, therefore, please to inquire into the facts, and, finding them as stated in the representation of this Cornplanter, you will, in a message to the aggrieved Indians, reprobate the murder in the strongest terms, and assure them that every legal measure will be taken to bring the guilty persons to punishment.[2]

You will also invite friends and relations of the deceased, together with the principal chiefs of the tribe to which the deceased belonged, to meet you immediately at the place you shall mention. You will then repeat the abhorrence of the transaction and the assurance of justice; and you will convince them of your sincerity, by making liberal compensation to the relatives and friends for the loss of property sustained by the deceased Indians.

You will also transmit the inclosed answer to the Cornplanter's message, together with such further observations as you may think proper.[3]

---

[1] Pennsylvania.

[2] See letter of St. Clair to the Secretary of War, April 19th, p. 203.

[3] This was followed by a second letter, in which an inquiry by civil magistrates was suggested.

GENERAL WASHINGTON TO COLONEL DARKE.

[Extract.] MOUNT VERNON, *April 4th*, 1791.

Dear Sir:—The purport of this letter is to request your service in a matter of immediate importance to the United States. My knowledge of your public disposition assures me that it will receive your ready attention. I shall premise its object by informing you that, in pursuance of an act of the last session of Congress, an additional military force, consisting of one regular regiment, two regiments of levies, for six months, and such a proportion of militia as may be thought necessary, are ordered to be raised for the service of the United States, to be employed, unless the measures now taking to restore peace should make it unnecessary, in an expedition against certain tribes of western Indians.

The command-in-chief is given to General St. Clair; that of the levies to General Butler; and that of the militia to General Scott. The command of one regiment of levies, to consist of three battalions, to be raised in Pennsylvania, Maryland, and Virginia, was given to Colonel Henry Lee, and on his declining, before I adverted to the idea of appointing you, Colonel Hall was, on the suggestion of the Secretary of War, named to succeed him. Should Colonel Hall decline, it is my wish that you would accept the command of the regiment, and that, in the meantime, whether you enter into the service or not yourself, you would be so good as, immediately on the receipt of this letter, which will be your authority for so doing, to appoint from among the gentlemen that are known to you, and whom you would recommend as proper characters, and think likely to recruit their men, three persons as captains, three as lieutenants, and three as ensigns in the battalion of levies to be raised in the State of Virginia, for the service of the United States, for the term of six months after arriving at their place of rendezvous; that you would instruct the said officers immediately to set about engaging recruits, who may be ready, on the order of the Secretary of War, or the commandant of the battalion, to embody and march to the place of rendezvous.

GOVERNOR ST. CLAIR TO THE SECRETARY OF WAR.

PITTSBURGH, *April* 19, 1791.

Sir:—I have the honor to inform you that I arrived at this place on the 16th inst., at night, and found every thing quieter than, from the reports I met with on the road, there was reason to expect. The militia had been called out by the county lieutenants to guard the frontiers, in consequence of the discretionary powers you were pleased to invest them with, which has given some ease to the minds of the people, with no great reason, indeed, for their numbers are so few to defend so extensive a frontier, were it attacked in any part by the Indians in force; at the same time, they are too many for the purpose of scouts or rangers to give notice of the approach of an enemy. There are one hundred and fifty called out from Westmoreland, one hundred from this county, and two hundred, as I am informed, from Washington. I would immediately have ordered a part of them to have been discharged, but considering that the time is near at hand when they will be discharged of course (for I presume you will not think it necessary to continue them long after the 10th May), and that it would have been very unpalatable, I thought it better not to interfere any farther than by observing to the lieutenant of Westmoreland that the numbers were, in my opinion, too great, and I shall make the same observation to the lieutenant of Washington, whom I will probably see on my route to Wheeling, where I propose to embark.

To-morrow morning, Nicholson will go off express for Venango with your message, and one I send to the Cornplanter also, desiring him to inform me whether any of his people will accompany me on the expedition; what number, and when they will be in readiness—referring him to General Butler for directions as to the time and place of their embarkation. I also send a speech to the Pipe, conformable to the directions of your letter of 23d ulto., in which I promise the friends of the deceased compensation for the effects they were plundered of; but it is impossible to give them a meeting at present, as the time will be so short when I must be at Lexington, and for which I can not set out until the express returns, which will not be before Monday night. I have, therefore, desired them, if the Shawanese or Miamis ask for peace, to meet me at Fort Washington, and if they do not, that the compensation shall be made them as soon afterwards as possible. The other property taken were nine horses, three guns, goods to the value of twenty-seven dollars, and all the clothing they had, for they were stripped even to their breech-cloths.[1]

The depositions you desire to be taken and forwarded to the Governor had been taken before my arrival, and must have got to hand last week, so that it was not necessary for me to do any thing in it.

---

[1] See letter of Major Isaac Craig, 16th March.

The Cornplanter got safe to Venango, though with a great deal of difficulty and much ill-treatment. A boat with provisions for that garrison, and in which was a part of the goods he had received from Philadelphia, and the Indian canoes were discovered by a scouting party of the militia, on this side of the river. They ordered the Indians immediately to come to them or they would fire upon them, upon which they instantly put to shore, abandoned their canoes, and fled.

A non-commissioned officer, who was on the boat, went over to them, and him they abused very much, and, it was believed, would have murdered him but for the intervention of Mr. Guthrie, the same who is appointed on the levies, and a clergyman of the name of Porter, who, with much difficulty, obtained his release. The boat, in the meantime, went adrift and fell down the river and was stopped about eight miles above this place; it has since got up safely. The canoes were made a prey of and every thing on them plundered and sold at public vendue. It might have been expected that this affair would have had bad consequences, but, from the letter of Mr. Jeffers to me, which I take the liberty to inclose, it has not. We are assured also that the Cornplanter and his people are firm, though it can not be but that it has made unfavorable impressions. I have sent for the gentleman who prosecutes for the State in the county of Westmoreland, in order to have those persons indicted for the assault on the non-commissioned officer; but it seems to me that it would not be improper that they should be prosecuted in the Federal Court also for the attempt upon the friendly Indians returning to their own country from a conference with the Government, under the protection of which they were to be considered until they at least got out of the limits of the State.

Mr. Jeffers observes that a party of the Senecas are gone to protect the settlement upon Cupawango, but I am informed that, since the date of his letter, it has broken up, and the people are all at Fort Franklin; but I shall know more certainly how affairs are in that quarter to-morrow, when I expect Major Heart, who leaves it this day, when I shall have the honor to write you again.[1]

---

[1] On the 21st April, Governor St. Clair wrote further to the Secretary of War on the subject of the above letter, and of the details for the campaign, of which only this is of interest now:

Yesterday Major Heart arrived here from Fort Franklin, and by him I received a letter from Colonel Proctor, from that place, of the 9th inst., a copy of which is inclosed. I fear the delay he has met with will create some embarrassments, and will necessarily delay the expedition under Gen-

COLONEL SARGENT TO THE CIVIL MAGISTRATES AND MILITARY OFFICERS AT GALLIPOLIS.

GALLIPOLIS, WASHINGTON COUNTY, *May 9th*, 1791.

Gentlemen:—The situation of your settlement, in the present disposition of the savages, demands much more caution and vigilance than is observed by the inhabitants. Whilst they continue to work out singly upon their lots, and so far removed from your main body, as is the common practice, they are liable at every moment to be cut off by the Indians, which might be guarded against without any obstruction to their field labors, for I believe it has been found upon experience that men work most cheerfully and to greatest advantage in parties. A sentinel ought to be posted out, to give notice of the approach of an enemy, and the people, having their arms at hand, might defend themselves, or retire, as occasion should make proper.

The loss of but a single man, at this time, would have such an unhappy effect upon the disposition to migrate from France, as might be sensibly experienced for years in this young colony.

If a general attack should be intended against you, it would most probably take place between daylight and sun-rising. You should, therefore, be under arms at that time. This necessity can not long exist.

The savages, it is true, have not, as yet, molested you, but they have made their observations, and may not they be endeavoring to lull you into a false and fatal idea of security? They are a subtle and designing enemy, and can bring upon you, in an unexpected moment, a force sufficient to annihilate an unguarded multitude.

---

eral Scott.[1] By Major Heart, I learn that your dispatches, which were entrusted to the Cornplanter, were not sent forward; the mischief that happened at Beaver Creek and in this neighborhood, had disconcerted them entirely, and they were afraid to undertake the carrying of them. Cornplanter now proposes to be the bearer himself, and to take two hundred men with him; but first he goes to Buffalo, which will retard him, and their motions are at all times slow.

[He then proceeds to say that he will send the speech to the Delawares from Muskingum.] "Everything is perfectly quiet here, as it is also at Venango, though the settlement on French Creek is abandoned, and the inhabitants have taken refuge at the Fort."

---

(1) This proved to be the case. The President thought it important Colonel Proctor should make one more effort to persuade the Miamis and Shawanese to peace; and, that it might not be interrupted, St. Clair proceeded to Kentucky to detain General Scott. See correspondence later on.

To preserve your men in health is an important object, not only as it respects the present settlers, but in order to establish that general reputation for salubrity which will contribute to increase most rapidly your population. The docility and good disposition of the people will, I am persuaded, constitute the police necessary to this measure, not only practicable but facile.

I have your interests and prosperity, gentlemen, very much at heart. You have had many difficulties to encounter, and they can not, at present, altogether cease. The task of settling a new country is an arduous one, but it is not without its pleasures; the idea of giving birth to a great and happy establishment is a glorious solace amidst all the hazards and hardships to which you, as the first settlers, must be exposed. My exertions will never be wanting for your welfare.

I have made the civil and military appointments from the best information I could acquire, and I have no doubt, gentlemen, you will do them honor. Under the present circumstances of the colony, it is impossible for government to notice some characters who may be equally worthy, but the well-known judgment and impartiality of our Governor must insure all future attentions that shall be due to merit; his important engagements at the time in which your interest, gentlemen, as well as those of this extensive Territory, and the dignity of the United States, are so materially concerned, could not now admit of his presence. He will, however, I trust, soon bestow upon you the blessings of peace, and, having terminated successfully the expedition against our enemies, have it in his power to form and establish for you such regulations as your particular circumstances may require and his wisdom devise.

I shall leave with you a copy of the laws and ordinances for the government of this Territory, a due observance of which will contribute very much to your happiness.

I can not close this letter, gentlemen, without expressing my admiration for the industry and very handsome improvements of this settlement. Your plantations have, many of them, the complexion of years, and are a most convincing testimony that you possess some of the qualifications of excellent citizens, and valuable members of community.

General St. Clair to Brigadier-General Scott.

Fort Washington, *May* 18, 1791.

Sir:— . . . I mentioned to you that I did not wish, at this moment, to press the commencement of your march, but rather that a few days should be whiled away, provided it could be done without its being discovered that the delay was *an affected one*. I am sensible this is a delicate point, and that, if it was discovered, either to increase in the troops an impatience for moving, or to discourage them. The same reasons, however, exist now as at the time I had the pleasure to communicate them, and, as you are sensible of the weight of those reasons, I am sure of your managing it so as to avoid both those consequences. Without detailing to Colonel Mentgez, I have requested him not to press the muster until the disposition has been made of your provisions and ammunition, and have mentioned that it was my wish your march should not be taken up before the 24th inst.

You were pleased to express a desire that an officer might be left at the mouth of the Kentucky, for the purpose, perhaps, of mustering the volunteers on their return; but, besides that it would be inconvenient to leave an officer there, that route for their return seems to be precluded by your instructions; for, as I fervently wish and confidently expect you will bring not a few prisoners, they are to be carried and delivered to the commanding officer of some post of the United States upon the Ohio; that being the case, you will probably find this post the most convenient in every view. Orders, however, with respect to the muster and the receiving the prisoners, shall be transmitted to the post near the Rapids, and also to Fort Knox, at Post St. Vincennes, regarding the muster; but, I beg leave to observe that it is not improbable they may not reach that place so early as you, in which case you will please to show this part of the present letter to Major Hamtramck or the officer commanding there, who is to consider the same as his orders for making and certifying the said muster; but as that is not the proper place to leave the prisoners, they must be delivered either here or at Fort Steuben.

On the subject of prisoners, give me leave to call your attention to that part of your instructions which respects the treatment they are to receive. To you, sir, I know it is entirely unnecessary, but I request you to impress the propriety of treating with great humanity such as may fall into their hands upon those under your command of all ranks and descriptions. The dignity of the United States requires it; the character of the nation demands it; the best consequences may be expected to result from it, and it is the positive orders of the President.[1]

---

[1] These instructions were carried out fully, be it said to the credit of Generals Scott and Wilkinson, but historians have always spoken of the act as

Be pleased to present my respects to General Wilkinson, Mr. Brown, and any other gentlemen to whom I have the honor of being known.

GENERAL ST. CLAIR TO ISRAEL LUDLOW.

FORT WASHINGTON, *May 19th*, 1791.

Sir:—I have received your letter of yesterday respecting certain surveys, which you have been directed to make by the Secretary of the Treasury.

The completion of these surveys are important to the United States, and it would afford me pleasure to put it in your power to fulfill the instructions you have received immediately and effectually, but circumstances do not admit your being furnished with a proper escort at this moment, for I am far from thinking fifteen men would be sufficient, more especially as that part which you consider as most necessary to be executed first, and which you would enter upon immediately, would carry you a great distance into the country. It is most probable that in the course of this summer and fall the business may be done without risk, and I shall notify you when the time arrives at which it may be proper for you to begin it. In the meantime, as you inform me that the line of the Miami purchase has been measured along the Ohio, and the place of beginning known, it will be proper that you should mark that place in a conspicuous and permanent manner to prevent trespasses being ignorantly though innocently committed upon the unalienated lands of the United States, which may involve individuals in disagreeable, and to them, perhaps, ruinous consequences.

GOVERNOR ST. CLAIR TO ALEXANDER HAMILTON.

FORT WASHINGTON, *May 25th*, 1791.

Sir:—A few days ago, Mr. Ludlow presented to me the instructions he had received from you for completing the surveys of certain tracts of land in this Territory contracted for with the late Board of Treasury, and requested an escort of troops to enable him to comply with those instructions. The situation of affairs and the present weakness of the garrison put it out of my power to furnish him with the necessary escort; but on perusing the instructions, to my aston-

---

having had its origin with the officers who commanded the expedition. The above letter discloses the real author.

ishment I found that the purchase made by Judge Symmes did not extend further up the Ohio than twenty miles from the mouth of the Great Miami River. He had given out and published indeed to the world that he had contracted for all the lands to a certain distance northerly, which were contained between the Little and the Great Miamies as eastern and western boundaries. On my first arrival in this part of the Territory, I found the Judge here and a number of people settled already, to whom he had sold lands far to the eastward of the twenty miles. It never could have entered into my head that any person, much less one invested with a respectable public character, had published a falsehood, was persisting in it, and availing himself of the pecuniary advantages following from it. The settlement, therefore, met with all the countenance which I could give it, which I conceived to be a duty I then owed to the adventurers and to the United States; but I see I was wrong, and find myself in a very disagreeable predicament, having clothed many persons with civil and military authority whom it was more properly my duty to have removed, and so far sanctioned their intrusions on the lands of the United States. As soon as possible after this discovery I wrote a letter to Judge Symmes, of which the inclosure No. 1 is a copy, and No. 2 his answer, which I received this day.[1] The answer does not appear in any wise satisfactory, for it is clear that though there had been a proposal for a contract different from that entered into, it had never been more than a proposal; and he has been selling the lands of the United States upon the Little Miami, which he had not contracted for, to pay for lands his agents had contracted for in his name upon the Great Miami. As soon as it is practicable, Mr. Ludlow shall be enabled to fulfill your orders. In the meantime, I am much at a loss what course I ought to hold with those settlers, neither do I know very well where to address myself for directions.

If it is a business that falls within the sphere of your office, I shall be happy to receive and carry into execution any instructions which you may think proper to give. If it does not fall within your office, may I request the favor of your friendly advice.

It seems to me that all I can do at present, and it may be proper to do it, is to publish a proclamation, warning all persons against further intrusions, and permitting the occupancy of the present settlers until the pleasure of Congress shall be known. To remove those, if it could be done, would be ruin to them, and they are innocent, not willful trespassers; and, to revoke the commissions that have been granted, would leave them in a state of anarchy. Excuse, I entreat you, the liberty I have taken to trouble you with the dilemma I am caught in, and believe me, with every sentiment of respect and esteem, &c.[1]

---

[1] The purport of the correspondence is indicated in the text with sufficient clearness. The official action taken is shown by the proclamation following.

---

[1] As promised in the above letter, the Governor issued a proclamation warning the inhabitants of their situation. This he first submitted to Judge Symmes, who wrote an earnest letter, asking that the step be not taken; but as the Governor felt that he had been deceived and that delay would only make matters worse, he issued the following proclamation, which led to a lengthy correspondence between him and Judge Symmes, and secured the active hostility of the latter in later years, when party politics were running high.

August 23, 1791.

PROCLAMATION BY HIS EXCELLENCY, ARTHUR ST. CLAIR.

Whereas, it has been represented to me that certain persons, generally known by the name of the proprietors of the Miami purchase, have taken it upon themselves to sell and dispose of divers tracts and parcels of land, the property of the United States, lying and being to the eastward of a line to be drawn from a place upon the banks of the Ohio River exactly twenty miles following the several courses of the same, above the Great Miami River parallel to the general course of that river, whereby many unwary persons have been induced to make settlements upon the same contrary to the authority of the United States, and in defiance of their proclamation against the making settlements on any of the public lands without due authority for so doing.

It is hereby made known that the lands contracted for by the honorable John Cleves Symmes and his associates, or their agents, is bounded in the manner following, viz: "All that tract or parcel of land situate, lying and being in the western country, adjoining to the Ohio River, beginning on the bank of the same river, at a spot exactly twenty miles distant, along the several courses of the same, from the place where the Great Miami River empties itself into the Great River Ohio, from thence extending down the said river Ohio along the several courses thereof; thence up the said Miami River, along the several courses thereof, to a place from whence a line drawn due east will intersect a line drawn from the place of beginning aforesaid, parallel with the general course of the Great Miami River, so as to include one million of acres within those lines and the said river, and from that place upon the Great River Miami, extending along such lines to the place of beginning, containing as aforesaid one million of acres." That the land lying to the eastward of the said parallel line, from the Ohio, to where it may intersect the Little Miami River, and from thence down the same to the Ohio River and along the Ohio River to the place before mentioned, where the parallel line begins, is as yet the property of the United States, and has not been aliened or sold to any person whosoever; that the settlements which have been made upon the same are entirely unauthorized, and the persons who now occupy them are liable to be dispossessed as intruders, and to have

GENERAL ST. CLAIR TO THE SECRETARY OF WAR.

FORT WASHINGTON, *May* 26, 1791.

Sir:—It was not until the 5th instant that I arrived at Lexington, and on the 8th had an interview with General Scott. The in-

---

their habitations destroyed; and that they are not treated in that manner immediately is owing only to the circumstances that they were made to believe the said proprietors of the Miami purchase had a right to the land, and to give them an opportunity to represent their case to Congress.

And I do hereby strictly prohibit all persons to extend the settlements they have already made, or to form new settlements to the eastward of the aforesaid parallel line, and within that line, the Little Miami, and the Ohio River, until the pleasure of Congress in the premises shall be made known, as they shall answer the contrary at their peril.

And, whereas, it is necessary that a certain tract or parcel of land adjacent to and lying round Fort Washington should be set apart and reserved for public use, I have ordered the same to be done, and it is bounded in the manner following, viz: beginning on the bank of the Ohio River, at the middle of the street which passes to the westward of the house where Bartle and Strong now live, and running from thence with the said river to the east side of Deer Creek, from thence running north fifteen degrees, thirty minutes west, one hundred and twenty perches, and from thence by and with a straight line to be drawn at right angles from the same until it reaches the middle of the street aforesaid, thence down the middle of the said street to the place of beginning, and all the land lying and being within these boundaries, is hereby set apart and reserved for public use, until Congress shall determine otherwise. And all persons are hereby strictly forbidden to cut down, carry away, or otherwise destroy any timber, trees, or wood that may be growing, standing, or lying upon or within the same.

And, whereas, there are houses and lots at present occupied by sundry persons, which are included within the boundaries of this reserved tract, it is hereby made known to them that they will be allowed to possess the same until the present crop is taken off, and no longer, unless they shall obtain permission for the same under the hand and seal of the officer commanding the garrison, or General commanding the troops upon the Ohio, and shall voluntarily submit themselves to the military law as followers of the army.[1]

In testimony whereof, I have hereunto set my hand, and caused the seal of the Territory to be affixed, this 19th day of July, 1791, etc.

September the 15th, the Governor, at Cincinnati, in the County of Hamilton, was pleased to issue the following proclamation, viz:

"It is hereby made known to the persons settled between the upper line tended expedition from Kentucky, I was glad to find, was not in so great forwardness as had been expected, as thereby any detention on my part was rendered unnecessary. A great many people had presented themselves as volunteers, and, on the 15th, they were to meet at Frankfort, twenty miles from Lexington, for the formation of the battalions and companies, and the choice of the officers; and, on the 20th, to rendezvous at the mouth of the Kentucky River, the place that had been chosen from whence to take their departure, and which fully met my approbation. General Scott seemed to be under some uneasiness at being restrained to seven hundred and fifty men, alleging that, as more had offered themselves, to have refused any might have disgusted the whole; but, from other information, I believe the whole will not much, if at all, exceed the stipulated number. On the 9th, I went to Danville to visit Mr. Innes and Mr. Brown, and returned on the 10th to Lexington, from whence I proceeded across the country to this place, where I arrived on the 15th. On the 19th, Colonel Mentgez was sent to the mouth of the Kentucky to muster the party, and, at the same time, I forwarded five hundred pounds of rifle powder, one thousand pounds of lead, fifteen hundred flints, and some tools for the purpose of making rafts, which were demanded by General Scott.

---

[1] Among those classed as intruders on this military tract was Judge Turner. He was privately notified by Governor St. Clair that Judge Symmes could give no title, to which he paid no attention, but continued to make improvements. The Governor reminded him of the obtrusion and the previous verbal notice, and of the risk he was running. He also suggested that it was the duty of a Judge of the United States Court to set an example of respect and obedience to government. Judge Turner took this advice and interference in high dudgeon.

Although the season was so far advanced as to render it proper for the party to begin their march, yet, as there was no account of Colonel Proctor,[1] I was willing it should be delayed a little, provided that the delay did not appear to be premeditated. Colonel Mentgez was, therefore, directed not to hurry the muster, and, as

---

of Judge Symmes' purchase and the Little Miami, and claiming titles from him, that the Governor has been officially informed by the Secretary of State that he has required from Judge Symmes an explanation of his proceedings, and is further instructed by the said Secretary, that though it is the duty and determination of the executive to see that no encroachments be made on the public lands—yet as the settlers in this instance appear to have acted with good faith, to notify them that due attention will be paid to that circumstance, and, in the meantime, they are not to be disturbed.

"All persons so settled are hereby notified accordingly."

[1] After forming a plan of campaign, the Government had sent Colonel Proctor to the Miami Indians, via Niagara, where he was to solicit the aid of the Six Nations in his effort to bring about a peace with the Miamis. The President was anxious that the warlike expedition should not be undertaken until after Colonel Proctor should have attempted his mission of peace, and reported the result to General St. Clair at Fort Washington. Colonel Proctor failed, and eventually returned to Philadelphia. But hearing nothing from him, and the season advancing, St. Clair directed General Scott to proceed.

the distributing the ammunition and provisions would take some time, to contrive matters so as that they might not be in readiness to move until the 24th, hoping that the Colonel might arrive by that time; but there is no news of him at all, and I now much fear that there never will be. Should he have got to the Miami villages, and the Indians be willing to listen to terms of accommodation, the march of this party will be an unfortunate event, and bear an air of disingenuousness and deceit that I should be extremely sorry for; but to have delayed longer would probably have discouraged them so much as to have prevented their proceeding at a later day.

I was sorry to find that the measure of a volunteer expedition calculated expressly to gratify the people of Kentucky had not entirely had its effect, but, on the contrary, had disgusted some who are supposed to be influential characters—among those are the Colonels Logan and Shelby. Their disgust arises, however, from being disappointed in the chief command, to which they both aspired, and both thought themselves of too much consequence to serve in a secondary station. Colonel Shelby, notwithstanding, has done every thing to forward the business, while Logan has thrown much cold water upon it. I am unacquainted with them, but from what I have heard of Logan's conduct when he was formerly at the head of an enterprise, from persons who were with him, he appears to be as little qualified for command as it is possible. Colonel Shelby is generally well spoken of.

It is surprising the effects that have been produced in Kentucky by the notice the President took of that country in his address to Congress; by the act of that body for receiving them into the Union; by the means taken for the protection of the frontiers, and by the prompt payment of the militia who were employed in the last expedition. It would seem that they have not been used to receive money for services of that nature, and, at this moment, I do not believe there is more affection, among all ranks, for the General Government in any part of the United States. In that point of view it was money well laid out, and the advantages of it have come home to the feelings of many who would always have been little affected by abstract political considerations.

While I am speaking of the militia, it reminds me that you have not yet received the vouchers for those employed on the Wabash under Major Hamtramck, and if the circumstances I have been informed of are true, they ought not to be paid. They are these—that upon the expedition, from the time of the troops leaving Fort Knox until they returned, ten horses only were lost; that the remainder, amounting to upward of two hundred, were delivered over to a Major Whitley, the commanding officer of the militia, to take back to Kentucky; that many of them are yet about St. Vincennes, in possession of the inhabitants, and that out of ninety-six oxen which Major Whitley set out with from the Falls, he took but twenty to Fort Knox, which was the cause of Major Hamtramck returning so soon, and attempting so little against the Indians. I have written to Major Hamtramck this day to have what horses are about St. Vincennes collected and sold to the best advantage, and to state circumstances respecting those that have been lost, and have them authenticated, as also respecting the cattle, that the United States may be exonerated, if it should appear proper.

Upon my arrival here, I found General Harmar, as I had expected, exceedingly chagrined, and determined to retire. I assure you that, whatever may have been thought of his late expedition, he is an excellent officer, and his quitting the service will be a loss. He continues in the command of this garrison at present, but will hold it no longer than until the court of inquiry, which he informs me he has requested, can be assembled, and he is extremely anxious that it should take place without loss of time.

In my letter of the 1st of May, I requested that you would be pleased to direct the militia employed on the frontiers to be discharged at such time as should seem proper, as far as Kanawha inclusive, for at this distance, and with the little and uncertain intercourse with the upper part of the river, it would be impossible for me to judge of the circumstances which might render it proper or otherwise.[1] I must repeat the request, for I have not an iota of intelligence by which to judge whether they are necessary or useful or not, and I have received no returns but what were forwarded at that time. Those employed on the frontiers of Kentucky it will be proper to continue until the return of the volunteers. Should that party be successful, it is to be hoped they may be dismissed with propriety and with contentment to the country. At present it would be otherwise. In that letter I likewise suggested that the sending dispatches over land to Richmond would be a more certain and eligible mode of conveyance than by the river, but I was mistaken. The distance from hence to Danville is upwards of one hundred miles, and three days' march, at least, through a country entirely uninhabited, and from Danville to Richmond is at least seven hundred miles, part of it under the same or greater difficulties. The river, then, must be the way; and, as soon as a reinforcement arrives, measures shall be taken to effect a weekly communication with Pittsburgh. At present it is impossible.

---

[1] The letter of 1st May contained nothing that is not better explained in this letter. Hence, it is omitted.

The present fit for duty at this post, on the first day of this month, amounted to sixty-two only. My anxiety for Colonel Proctor is very great. The Six Nations have, I fear, refused to go with him, and he has undertaken it without them, and has fallen a sacrifice to savage barbarity; for, had they gone with him, and those Indians were willing to hear him, though nothing was decided, he and they would have found means to inform me.

A party of five Indians came within two miles of this fort two days ago, and carried off a man. Their track coming in was discovered by a party that had been sent out by General Harmar about a fortnight before, who followed them with all possible expedition, but they lost the track when they came near the settlement. It would seem that the object of this party was to take a prisoner for the sake of intelligence, as they went off again with the utmost expedition they could make.

I have heard nothing from General Sevier; neither do I know how the recruiting for the levies goes on in his quarters, nor, indeed, in any other, and you will be pleased to observe that I can know nothing of it but what you communicate. If it goes on well, there will be no occasion to call for the militia, and that is very much to be wished, for drafting them is an unpalatable operation, and brings out only the worst men, who hire themselves as substitutes, and was, I believe, the principal cause of the misfortune of the last campaign. If it must be resorted to, I beg I may be early informed, because it will take a considerable space of time to forward the orders and get them together. Kentucky, I believe, must be relied on altogether. Pennsylvania and the upper counties of Virginia seem to be at too great a distance; but if some reliance must be placed upon them, I request that you may be pleased to issue the orders, for much time would be lost by their going from me, and I should be long in suspense as to the effect of them.

GENERAL KNOX TO GENERAL BUTLER.

[Extract.] WAR DEPARTMENT, *June* 9, 1791.

Mr. Hodgdon, the quartermaster, sat out from Carlisle on the 7th instant, and will be at Fort Pitt by the 12th or 13th. He is amply furnished with the means of obtaining every thing that shall be wanting for the campaign, and I have directed him to take your advice upon such preparations as you may deem essential, and which have not already been done.

As the representative of the public in the preparations of the campaign, I feel it my duty, and it is most certainly my inclination, that every article, however minute, should be furnished, and I have given the directions accordingly.

From the activity of Mr. Hodgdon and his ample funds, I have no doubt that all things in the quartermaster's department will be prepared in due season.[1]

From the returns of the provisions which you transmitted me, it appears that such a quantity of flour is already purchased that no apprehensions may be entertained on that account. Until the expedition shall take place, and during the operations of the troops, dependence must be placed on live cattle.

The posts to be established will require six months' salted meat, and the other parts of the rations in proportion. This object the contractor has promised to attend to, and, from his information, there will be no disappointment.

I am well satisfied that Major Butler has been appointed to the command of the Eastern Battalion of levies in this State. I hope the remaining company will soon be filled and marched.

The object of Colonel Proctor's mission having failed, of which he informed you, General St. Clair will no longer restrain the expedition under General Scott.

I am persuaded that you transmitted to General St. Clair the whole of Colonel Proctor's dispatches, because on his early receipt thereof much will depend.

You will not retain more troops on the upper parts of the Ohio than shall be necessary for the defensive protection of the frontiers. All beyond that number you will order down the river to headquarters.

I inclose you, *in confidence*, an estimate of the troops who have marched and who will march in the course of the present month.

The recruiting service has been very dull in New Hampshire, Massachusetts, and Rhode Island. In Connecticut it has been better. I hope, however, to march five hundred regulars—three years' men—in the course of the present month, but this includes Doyle and Beatty and all others to the eastward. This number is contemplated in the number of the inclosed estimate.

---

[1] Every thing was neglected by Mr. Hodgdon, and in consequence dire disaster resulted.

As we shall not have all the three years' men I was induced to hope for, and as you seem to think that a company of levies could be raised in Fayette, I hereby authorize you to raise one, two, three, or even four companies or battalion of levies, provided the object could be certainly accomplished by the 15th or 20th of July, in the upper counties of Pennsylvania and Virginia.

If you go into this measure, you will immediately inform me and General St. Clair thereof. You could appoint the officers, and as soon as the President of the United States shall arrive, which will be about the 23d instant, the commissions shall be forwarded, upon the names of the officers being certified by you.

GOVERNOR ST. CLAIR TO JUDGE TURNER.

FORT WASHINGTON, *June 19th*, 1791.

Sir:—The evening before last I was favored with your letter of the 17th,[1] and should have replied to it without delay, had I not been engaged yesterday in other business. I thank you, sir, for the sentiments of personal respect expressed in that letter, and beg you to believe they are reciprocal, and that I am at least as anxious that the laws should not be trampled upon as you, sir, it being particularly my duty to see that they are carried into execution, and that I feel for the dignity of the United States as much as any man can.

The transaction of the 27th ultimo referred to, is, I suppose, as you have stated it, excepting as to the note, which though conceived in terms sufficiently polite, appeared to me to be not altogether proper, as I had the honor to inform you, for it contained a direction that the prisoner should be detained in safe custody until delivered by due course of law, and being so "subjoined to the warrant of commitment" to the sheriff, it had all the appearance of an authoritative precept, and I suppose was intended to have that effect, though couched in the form of a request, and I find, by the tenor of your letter, I was not mistaken in having so understood it.[2]

I can not be positive about the words of my answer to the sheriff, having been awakened out of my sleep to receive your note, and had been more than two hours in bed, which was not a very proper time for business of that nature. The gates of the fort had long been shut, and the officer of the day did wrong in admitting either the sheriff or his prisoner at that time of the night, had every thing also been as it should have been, but to the best of my recollection I told the sheriff that since the man was in the fort the guard should look after him for that night, but that he must not consider himself as discharged of him, and must take him away in the morning and secure him as he could, for which he was answerable; otherwise, he would be dismissed when the guard was relieved. The plain and obvious meaning of which was that, for that night, as it was a case of emergency, I would allow the sheriff to use the guard-house as his jail, and for no longer.

---

[1] The preliminary correspondence is not essential, as the facts are stated in the above letter with sufficient clearness.

[2] Judge Turner had given an order of commitment, and commanded Colonel Trueman, of Fort Washington, to receive and guard the prisoner. The

I recollect, sir, in conversation with you upon this very affair, to have mentioned the impropriety, as it struck me, of confining prisoners guilty of offenses against the municipal law to military guards—to have suggested a doubt whether if an officer did receive and detain them, he would not be liable to an action for false imprisonment, and whether if they should escape or be dismissed, an action would lie against the officer for the escape. I am not sure that you gave any opinion, but from your manner, I thought I had reason to believe that the doubts did not appear to you to be entirely groundless.

And now, sir, to your question, which I have not the least hesitation in answering, and you will always find me ready, in the best manner I can to answer any question you may think proper and necessary to propose to me in your official character, whether it comes forward with "firmness" or with diffidence. The troops of the United States are certainly paid, among other things, for the protection of the people and Government, but the manner in which that protection is to be applied is not, I presume, within the province of a judge or a justice to determine, nor of all of them together.

No military servant of the sovereign authority may at his pleasure remit the punishment, or release the body of a prisoner committed by that very authority for a breach of its laws. It is not the business of a military servant of the sovereign authority to take cogniz-

---

form of the commitment and request was objected to as being liable to establish a bad precedent; and there was the further objection to using the military guard-house for the purpose of confining persons charged with all manner of crimes.

ance of breaches of the laws, neither has he any thing to do with the confinement or release of such persons as may offend therein.

What happened before my taking the command of the troops I know not; if you mean, however, what you have said about "persons having been committed to the custody of the military at different times and unduly discharged," as a matter of complaint, which I should suppose you do as you say you think it your special duty to mention it; it must be more explicit before I can make any inquiry about the matter. This, however, I know that General Harmar never refused to allow his guard-houses to be used occasionally by the sheriffs when I have requested it for them as an accommodation, and I have had several occasions to request it, but it never entered into my head to demand it as a right—if I had, I think he would not have been in his duty if he had not refused it. As it seems to be considered in that light now, it is time to put an end to it.

It is the duty of the sheriff, sir, to provide a jail until one shall be erected; if he can get no other he may make a jail of his own house; and he has been ordered to provide a jail—if he will not I will displace him and appoint another, and every necessary aid from the military, either in suppressing tumults, apprehending offenders, and safely keeping them when apprehended, to which the power of the county may be inadequate, will be cheerfully rendered by the military whenever it shall be required by the civil authority; but it much behooves me, as the chief civil and military power in the Territory happens to be united in my person, to keep the exercise of them perfectly distinct, and that I make no precedent now that it would be improper should it be followed by either respectively when they shall be separated hereafter.

Your question, sir, is now fully answered. I have none to propose to you individually in your official character; but I presume that, as the chief executive officer, I have a right to ask the opinion of the Judges upon any doubt in respect of law that may arise in my mind touching that executive duty; and that it is their duty to give me their *law opinion*; under that impression so soon as the Judges (or any two of them) can be got together, I shall require their opinion upon the following points, and they are thrown out to you now that you may turn them in your mind until one or more of your colleagues arrive.

Whether it be lawful to commit a citizen who may have been convicted of a crime to a military guard-house, the government of which neither is nor can be subjected to the sheriff?

Whether a military officer, detaining a civil prisoner under a guard of armed soldiers, who could lawfully be committed to the custody of the sheriff only, would not be liable to an action for false imprisonment, by what authority soever that detention and imprisonment was made?

Whether, supposing it lawful for a magistrate to commit an offender to a military prison, if a person was committed for a length of time to a military guard (for two years, for example, as in the present case, for want of sureties for his good behavior), and the troops should be ordered away from the place, is the officer to take the prisoner with him or to dismiss him?

Should he take him with him, the law, which requires offenders to be imprisoned in the proper counties, would be violated. Should he dismiss him, he would not be liberated by due course of law. There would be a wrong in either case; and in the first the officer would be answerable to the party for damages, and in the second to the public for an escape.

Whether a military officer who should refuse to take charge of a prisoner committed to him by a civil magistrate would be punished for contempt; and, lastly, whether, upon a *habeas corpus cum causa*, a judge of the general court would not be in duty bound to deliver such a prisoner from his military confinement, though he had been sent to it by a civil magistrate?

When the civil magistrates, sir, exhibit in their public conduct a temperate firmness and decency; when they never presume guilt, nor overbear an unfortunate person because he is accused; when they ever incline to the side of mercy where they are obliged to condemn to punishment, and when they never strain penal laws, which are most frequently directed against actions not evil in themselves, to their utmost rigor, there is no danger of the civil authority growing into contempt; and as I hope the magistrates of this Territory will ever be distinguished by those characteristics, I am in no pain about freedom and political happiness.

But there is yet another way, sir, to prevent the civil authority from being prostrated, as you seem to fear it will be, without the aid of military imprisonings, which, by the by, are not very congenial to freedom and political happiness. Let the sheriff be prosecuted for every escape in cases where the public is concerned. In those respecting private property between man and man, the parties will take care of it themselves. It may be replied, there is no officer in this country whose duty it is to seek redress for wrongs done the public. It is true, there is none at present; but I am ready to appoint an attorney for that purpose whenever any qualified person appears who will take it upon him; I can not create the attorney. There were, however, I suppose, such things as public wrongs for England from the delinquencies of sheriffs before there were any such officers as attorneys for the public, whose duty it is to seek redress of them; and I dare say the common law found a way to remedy them without, and to oblige the sheriff to do his duty, which might probably be put in practice here.

I am sorry, sir, to trouble you with so long a letter, and can offer no better apology for it, now that I have got near the end of it, than you have furnished me with in the beginning of yours: "The respect and duty I owe the office I hold," besides which, the matter itself has carried me on; neither can I now close it without observing to you, as I did on a former occasion, that the law which has given rise to these difficulties is all calculated to the circumstances of this Territory, and should rather be guarded by slight corporal punishment than a heavy pecuniary sanction.[1]

GENERAL ST. CLAIR TO COMMITTEE[2] OF KENTUCKY.

FORT WASHINGTON, *June* 24, 1791.

Gentlemen:—I have very great pleasure in congratulating you upon the success of the late expedition from Kentucky, which reflects much honor upon all who were concerned in it, and, I doubt not, will be attended with very beneficial consequences to the public, and to that district and Territory in particular. As it will, however, be some time before the general and more systematic operations of the campaign can be put in motion, another expedition of the same nature, it appears to me, would be still of very great use, especially taking into consideration that the militia called out to guard the frontiers must be discharged, as they are a very heavy expense, and very little advantage results from them. You will have observed, gentlemen, that the President of the United States, in the instructions to General Scott, which are in your hands, authorizes another expedition, provided that the commanding officer of the troops on the Ohio should judge the public interests require it. It is my opinion that the public interests do require it, and I have, therefore, inclosed a direction for the same, under my hand and seal, conformably to the tenor of the said instructions. It would have given me much pleasure if I could have had a personal interview with you upon this occasion, and if I possibly can leave this place within a few days, I shall yet have it. But I would not have the business delayed in the least upon that account. And the upper towns upon the Wabash would be the object, and this be the proper point of departure. Whoever you are pleased to invest with the command will receive his instructions here, but you will please particularly to observe the number is limited expressly not to exceed five hundred, officers included.[1]

---

[1] This led to lengthy correspondence between the Judges and the Governor. To the copy furnished him, Judge Symmes made an early reply, taking the ground that it was lawful to confine a prisoner of the civil law in a military guard-house, but that the sheriff was not discharged of responsibility thereby; nor could the military officer be held responsible for the safe-keeping of the prisoner, nor be prosecuted in case of his escape from custody. In this letter, Judge Symmes says that he had had a conversation with Judge Turner, and, as they did not agree on the point, he had sent an independent letter. Judge Turner did not reply until in August, although repeatedly asked by the Governor to do so. He, however, took occasion to issue a writ of habeas corpus for the release of a military prisoner some months later, which brought about a conflict between the civil and military authorities. The commandant of the Fort, Colonel Trueman, refused to produce the body of the prisoner in court, in which action he was sustained by the General. The prisoner in this case was charged with a capital offense against the military law, in that he had persuaded a soldier to desert, and provided him with the means. The deserter had been arrested, tried and executed, and, on the scaffold, had related the facts in a confession.

[2] The committee consisted of Brigadier-General Scott, Hon. John Brown, Harry Innes, Benjamin Logan, and Isaac Shelby. Logan threw cold water on the expeditions, but the others were zealous.

MAJOR FERGUSON[2] TO GENERAL ST. CLAIR.

FORT WASHINGTON, *June* 25, 1791.

Sir:—In the inclosed return of military stores, powder, lead, paper, and thread, are wanted to complete three thousand men with one hundred and thirty rounds each. Should more be required, these articles will have to be augmented. I beg leave to report that the casks in which the powder was last sent were very slight, and not properly secured; also, the musket cartridge paper was not of the proper sort, being too easily torn, and of course the cartridges made of it will not bear much carriage.

---

[1] General James Wilkinson was selected to command the second expedition.

[2] Major Ferguson commanded the artillery.

GENERAL ST. CLAIR TO COLONEL SPROAT.

FORT WASHINGTON, *July 6th*, 1791.

Sir:—The act calling the militia for the defense of the frontier, has been found to be a very unavailing measure, and at the same time it has been attended with a very heavy expense. You will, therefore, discharge all the parties that have been called out for the defense of the county of Washington, except at Gallipolis (for which I have already given orders), upon the 20th instant, it being hoped that, by that time, measures which will be more effectual will begin to be in operation. Indeed, there is no doubt with me, that the assembling the troops at this place will call the attention of the Indians this way, and entirely relieve your settlements. But there is nothing in this order to be construed to prevent you from continuing either the parties that are now embodied, or such others as you may think necessary, provided the expense is borne by the people themselves; but the United States will not defray any that may be incurred on that account after that day.

You will please to think of the musters, and the oaths of the officers, both of which are necessary in order to charge the United States.

GENERAL KNOX TO GENERAL BUTLER.

WAR DEPARTMENT, *July* 12, 1791.

Sir:—Yesterday morning, at eight o'clock, I received your favor of the 2d instant by the express James McClellan. The information of Thomas Rhea,[1] whose affidavit you transmitted, was, indeed, of the importance to justify a special express. It has been submitted to the President of the United States, who will take it into his most serious consideration. To quarrel and come to an open rupture with the crown of Great Britain, would, in the present situation of this country, be a very serious affair, and should be avoided, if possible, consistently with national honor and dignity. There is a time for all things, and it may hereafter happen that the conduct of the British in the present case will amount to a heavy charge, which must be paid with interest. Indeed, it is hardly to be doubted, if the facts alleged by Rhea be true, that this instance of aid to the Indians will be followed by others, which must also be minuted down, for it can not be supposed that the aid has been dictated by the spontaneous impulse of the commanding officer. It will be proper that you obtain attestations of Rhea's credibility by respectable and known characters. It must be our duty to mind our business and accomplish the objects of the campaign, which, if as successful as all things promise, will give a new aspect to the security of the frontiers. Captain Phelon, with about two hundred men, mostly regulars, is at Reading, and will move on steadily to join you.[1]

---

[1] This was to the effect that the British officer of the post on the lake had furnished the Indians with arms and supplies on occasion of the Harmar expedition.

Continue to forward the troops, with all possible dispatch, to headquarters. I presume you have communicated Rhea's information to Major-General St. Clair, to whom I pray you to send also a copy of this letter.

I shall write you more particularly by the post on the 14th instant.

GENERAL ST. CLAIR TO HON. JOHN BROWN.[2]

FORT WASHINGTON, *July* 18, 1791.

Sir:—I have been honored with your letter of the 14th instant, and I assure you it gives me pleasure to learn that no injury to your health has followed from your excursion, for, from the nature of the service you were employed on, you must have been exposed to fatigues and hardships; and I do not remember to have seen so great a quantity of rain fall in an equal time at that season of the year, which gave me great uneasiness for you all.

General Scott has communicated to me the measures that have been taken by the Board for the second expedition. I have no doubt of their exertions, and am happy to find that they are so happily seconded by the inclination of the people. I hope and trust it will be equally successful with the former, notwithstanding the numbers to be employed upon it are less.

General Wilkinson has written to me upon that subject, and informed me that three supernumerary companies have been added, and desires my concurrence. It would not be wanting to any thing that promised greater certainty of success if I had the power, but I am for every thing of the kind after the first limited to a number not exceeding five hundred, non-commissioned officers included.

---

[1] But Captain Phelon did not march as expected—none of the recruits did—and when he did, he was instructed to take Carlisle in his way.

[2] Mr. Brown accompanied the expedition of General Scott as a volunteer.

It is, therefore, impossible for me directly to approve of the measure, but I have written to him that I will not disapprove of it, and that I will make as effectual representations as I possibly can, that it may meet with the approbation of the President.

It was necessary that the frontier guards should be dismissed, not only because they had been found in most instances to be ineffectual, but the county settlements had not made a very discreet use of the powers they were invested with, as to numbers, and they were a heavy expense without a corresponding benefit. But, as you well know, sir, there is a certain sum of money appropriated for a great variety of objects, and all the expenses of the campaign of every kind into which they cut very deep.

They have been discharged in the upper country, both in Virginia and Pennsylvania, and in this Territory the same parts of it are much exposed, particularly at Muskingum, where they have suffered greatly; nevertheless, at General Scott's instance, on the part of the Board, I have consented that forty men should be continued for some little time longer, of which he will give you more particular information; for I wish not only that the people should be protected, but even that their apprehension should be quieted. It seems to be his opinion that the guards at the iron-works and at the Big-Bone Lick, where salt-works are erecting, should be continued.

I have no doubt that both of those establishments will be very useful to the district, and probably of great emolument to the proprietors, but they certainly are not public objects, and I can conceive no reason why the public should protect the speculations of individuals; at any rate, where the advantages of them could only be local, the burden should be local also.

I am very happy that Governor Blount has succeeded with the Cherokees. That will give great relief to Kentucky in a quarter where it was much exposed; and I shall be very much obliged to you for a copy of the treaty.

General St. Clair to Brigadier-General Scott.

Fort Washington, *July* 19, 1791.

Sir:—In consideration of the representations you have been pleased to make this day, as well on the part of the people of the District of Kentucky as of yourself, the Hon. Harry Innes, the Hon. John Brown, Benjamin Logan, and Isaac Shelby, Esq., I have consented, and I do hereby consent, in virtue of the power vested in me by the President of the United States, that the militia guard stationed at the Big-Bone Lick, in the District of Kentucky, be continued at the expense of the United States, as to pay and rations, agreeably to the instructions of the Secretary of the War Department to the County Lieutenant, of the 10th of March last; to continue until the 15th August next,[1] provided the said guard shall not exceed the number of forty, non-commissioned officers included.

GENERAL ST. CLAIR TO GENERAL WILKINSON.

[Instructions.] *July* 31*st*, 1791.

Sir:—By virtue of the powers vested in me by the President of the United States, I have authorized a second expedition against the Indians of the Wabash, to be made with mounted volunteers from the District of Kentucky. Brigadier-General Scott, the Hon. John Brown, and others, were duly empowered to appoint the officers to command it, and it gives me pleasure that their choice has fallen upon you.

The principal object of the expedition will be the Indian village, sometimes known by the name of Kikiah, situated near the junction of the L'Anguile or Eel River with the Wabash, about three miles up the L'Anguile, which comes in on the north side of the Wabash, about thirty-eight leagues above Ouiatannon. You are to proceed to that town and assault the same and the Indians therein, either by surprise, or otherwise, as the nature of the circumstances may admit, saving all who cease to resist, and capturing as many as possible, particularly women and children.

And, on this point, it is the positive orders of the President of the United States, that all such captives be treated with kindness, and that they be carried and delivered to the commanding officers of some post of the United States upon the Ohio.

Whether the assault upon the said town at L'Anguile should succeed or fail, you will proceed to such other Indian towns or villages upon the Wabash or in the prairies, to the destruction of which you shall judge your force adequate. Of these there are several higher up the river, and none of them considerable. The first is at the Calumet River, about ten or twelve miles distant from Kikiah, and on the south side; after that is the Mississinewa, —— miles further up. Formerly it contained a considerable population, but at present it is believed is much reduced. Some miles further up are the forks of the Wabash. In going to the Miami village, the north fork is used, and at the junction of those branches there was formerly an inconsiderable village, but whether it is now inhabited or not is not known. From thence it is from twenty-four to thirty-six miles to the Miami carrying place, which is about ten miles over, and you are at the Miami towns. To the westward and northward of L'Anguile lies the Kickapoo town, on the prairie, distant about sixty miles.

---

[1] The directions for discharging the whole of the militia guard on the said district, on the 15th, notwithstanding.—*Note by St. Clair.*

After having effected by surprise, rapid marches and attacks, all the injury to the Indian enemy to which your force shall be equal, the said mounted volunteers will return by Post St. Vincennes to the Rapids of the Ohio, where the troops of the said expedition will be again mustered by an officer of the regular army, in the same manner as when the troops of the said expedition commenced their march from the Ohio. Without limiting or impeding the effectual operations which may be found practicable, it is presumed that the mounted volunteers may be employed north-west of the Ohio for a period averaging from twenty to thirty days. This interval, however, is to be understood not to prevent the execution of the considerable object, should it require an extension of time.

The corps of mounted volunteers, being left entirely free from any restrictions in the manner of its execution of the objects proposed, its reputation and the reputation of all concerned will be involved in its being perfectly conducted, and in its ultimate success.

Should the success attend you at L'Anguile which I wish and hope, you may find yourself equal to the attacking the Kickapoo town, situated in the prairie not far from Sangamon River, which empties itself into the Illinois. By information, that town is not distant from L'Anguile more than three easy days' marches. A visit at that place will be totally unexpected, and most probably attended with decided good consequences; neither will it be hazardous, for the men, at this season, are generally out hunting beyond the line of the Illinois country. Should it seem feasible from circumstances, I recommend the attempt in preference to the towns higher up the Wabash, and success there would be followed by great éclat. The route by which you ought to return, it is not so easy to point out, because it depends upon a knowledge of the country, which I do not possess; but, it appears to me it would be most advisable to return by Ouiatannon, from which the distance is not so great as from L'Anguile. It is pretty certain that the Indians who inhabited that village have removed to the neighborhood of Fort Knox, and placed themselves under the protection of the United States, so you would probably meet no opposition from them. From thence to the Rapids of Ohio the route is well known. Between L'Anguile and the Kickapoo town you would meet with two or three branches of the Sangamon, but all of them of no considerable depth; there are three, certainly, between that place and Ouiatannon.

In a direct line, I reckon the distance from Fort Washington to L'Anguile to be about one hundred miles, and the course nearly north fifty-five west; but, should you take a course pointing directly to the Miami village, which I should think most advisable in order to deceive the enemy with respect to your destination (for your march will most probably be discovered), and pursue that for sixty or seventy miles, and then turn off in a direction about north toward west, or a little more westerly, it would prevent discovery which would ruin the object, and not increase your march over forty miles; besides, it would probably carry you along the dividing ridges between the Wabash and the waters of those rivers which discharge themselves into the Ohio higher up; but these matters are merely hints for your information, to be made use of as you find them applicable, from a comparison with your own observation and the actual circumstances in which you may find yourself.

To you, sir, I know I have no occasion to recommend clemency, but am under the express command of the President of the United States. The luster that is shed upon success by generosity, and the reputation that accrues to a country from a temperate use of victory, is clearly understood and appreciated by you, to whom nothing could be more contrary to your own natural disposition than an act bordering upon inhumanity. I beg you, sir, to oblige the people under your command to refrain from scalping the dead. It is an act which, though it does no injury to the dead carcass, debases the persons who commit it. Should they be disposed to it, you have a powerful argument to adduce from the example set in the former expedition, and the very general approbation it has met with. Wishing you every possible success, both from motives of public interest and private friendship, I have the honor, etc.

GENERAL ST. CLAIR TO ISRAEL LUDLOW.

FORT WASHINGTON, *August 6th*, 1791.

Sir:—You will please to inform me whether you have received any instructions from the contractors to provide for the transportation of the provisions for the campaign; and, if you have received any, let me know specifically what they are.[1]

GENERAL KNOX TO GENERAL BUTLER.

WAR DEPARTMENT, 11*th August*, 1791.

Sir:—I have received your letter of the 4th instant.

It is considered by the President of the United States as an unhappy omen that all the troops of the campaign had not descended the Ohio at the time you wrote.

No retardment of the essential objects of the campaign should be permitted under the idea of defensive protection of the frontiers against a few straggling Indians. The counties are sufficiently strong for that purpose. If you should, therefore, be still at Fort Pitt, it is the decided orders of the President of the United States that you repair to headquarters with all possible dispatch, together with *all* the troops, officers and stores destined for the campaign.

It has been constantly intimated that Captain Phelon was the rear of the troops for the campaign, and that no dependence would be placed on those who should arrive after him.

If there should be any deficiencies, the commanding General has authority for supplying them.

Captain Newman will not be at Fort Pitt in less than fifteen days from the present time; and Captain Buell in not less than one month, as he only marches from Brunswick this day. Colonel Gibson, therefore, can not have any object at Fort Pitt, and he must instantly repair to headquarters.

Any levies raised by Captain Falkner, or any other person, after the present moment, will not be of any service, and are, therefore, to be suspended. I send a commission for Doctor Brown.

The same sort of defensive protection is to be permitted for Marietta and Gallipolis, in proportion to their numbers, as the other exposed places.

---

[1] The reply was as follows:

"*Sir*:—In answer to yours of this morning, I inform you that no instruction has been received from the contractor by me, directing the means for transporting the supplies of the army on the intended expedition."

GENERAL ST. CLAIR TO COLONEL JOHN CAMPBELL.

LEXINGTON, *August* 21, 1791.

Sir:—Yesterday your letter of the 3d instant was handed to me on my way to this place. It is true that there are some Indians who have settled in the neighborhood of St. Vincennes; but why the people of your country should be alarmed at it I cannot imagine; and they are very much mistaken in supposing that it has produced any alarm among the inhabitants of that place. Those Indians have withdrawn themselves from those who are at war with us; have put themselves under the protection of the United States; and have been promised that protection so long as they behave themselves peaceably. Of course, they are not to be molested. The volunteer expedition proposed, therefore, can not be permitted; on the contrary, it is expressly forbidden. At the same time, I feel myself obliged to the gentlemen you mention for their willingness to engage in this business, the circumstances of which, I suppose, they were unacquainted with. I have written to Captain Shannon, but, lest any accident should happen to the letter, I beg you to inform him that he must not think of attempting any thing in that quarter.[1]

GENERAL ST. CLAIR TO COUNTY LIEUTENANTS.

DANVILLE, *August 23d*, 1791.

Sir:—Some aid from the district of Kentucky will probably be wanted on the intended campaign, and as this country in particular is very much interested in the issue, I should be glad could it be obtained in the most efficient, and, at the same time, the easiest manner possible. To that end, I have thought it would be proper to have a consultation with the Lieutenants of the different counties, and I have to request the favor of your coming to Lexington on the second day of next month, when I shall have the pleasure to meet you for that purpose.

---

[1] Colonel Campbell was at the Rapids of the Ohio, and proposed an expedition against the Indians in the vicinity of Vincennes.

GENERAL KNOX TO GENERAL ST. CLAIR.

WAR DEPARTMENT, *August* 25, 1791.

Sir:—I inclose you a copy of my letter to you of the 18th inst., and of one to General Butler of the same date, and also of mine to him of this date.

The President of the United States laments exceedingly the unfortunate detention of the troops on the upper part of the Ohio, for which no reasons sufficiently strong have been assigned. This detention will undoubtedly retard the commencement of the operations, and will require the highest exertions to accomplish the objects of the campaign.

The President reiterates his confidence in your activity, and that every thing will be put in motion on the arrival of the rear of your troops under Major-General Butler.

The Quartermaster will give you horses for the artillery and baggage, and if you require more than he has provided you must obtain them.

I have repeatedly written to you that if the contractor's arrangements, either in his supplies of provisions or the transportation of them, should be deficient, that such deficiency must be supplied by your orders, and the contractor be made answerable. The public service can not be retarded or injured by any deficiencies in that line.

I have also written you several times relative to any deficiency of troops in order that you might make such reasonable arrangements for the supplying of such deficiency as you should think proper, all of which has, no doubt, been done, on your part.

GENERAL KNOX TO GENERAL BUTLER.

WAR DEPARTMENT, *Aug.* 25, 1791.

Sir:—I have received your letter of the 10th inst., which has been submitted to the President of the United States.

I am commanded by him to inform you that he is by no means satisfied with the long detention of the troops on the upper part of the Ohio, which he considers as unnecessary and improper. And that it is his opinion, unless the highest exertions be made by all parts of the army to repair the loss of the season, that the expenses which have been made for the campaign will be altogether lost, and that the measures from which so much has been expected will issue in disgrace.

GENERAL ST. CLAIR TO GENERAL KNOX.

DANVILLE, KY., *Aug.* 23, 1791.

Sir:—This moment on my return from a consultation with Mr. Brown and Mr. Innes, of which I gave you a particular account from Lexington, an express arrived to General Scott, with letters from General Wilkinson. He has been completely successful at L'Anguille—surprised it—and has killed and taken forty-two. Particulars are not mentioned, saving, only, that circumstances prevented his prosecuting the enterprise against the Kickapoo town in the prairie, but that he had destroyed one of their villages of thirty houses, and had but two men killed and one wounded. I left Fort Washington on the 18th, and shall set out on my return to-morrow.

GENERAL WILKINSON TO GENERAL ST. CLAIR.

FRANKFORT ON KENTUCKY, *August 24th*, 1791.

Sir:—Having carried into complete effect the enterprise which you were pleased to direct against L'Anguille, and having done the savages every other damage on the Wabash to which I conceived my force adequate, I embrace the first moment's recess from active duty to detail to your Excellency the operations of the expedition intrusted to my conduct.

I left the neighborhood of Fort Washington on the 1st instant at one o'clock, and, agreeably to my original plan, feinted boldly at the Miami villages, by the most direct course the nature of the ground over which I had to march would permit. I persevered in this plan until the morning of the 4th instant, and thereby avoided the hunting-ground of the enemy, and the paths which led directly from White River to the Wabash, leaving the head-waters of the first to my left. I then being about seventy-miles advanced of Fort Washington, turned north-west. I made no discovery until the 5th, about nine o'clock A. M., when I crossed three much-frequented paths, within two miles of each other, and all bearing east of north. My guides were urgent for me to follow these paths, which betrayed their ignorance of the country, and convinced me I had to depend on my judgment only. In the afternoon of that day, I had to cross a deep bog, which injured several of my horses exceedingly; and a few miles beyond I struck a path bearing north by west, marked by the recent footsteps of five or six savages. My guides renewed their application to me to follow this path, but I pursued my course, which had been north to west since 2 o'clock. I had not got clear of my encampment, next morning, before my advance reported an impassable bog in my front, extending several miles on either hand, and the guides asserted that the whole country to the Wabash was cut by such bogs, and that it would be impossible for me to proceed unless I followed the Indian paths, which avoided these bogs, or led through them at places where they were least difficult. Although I paid very little regard to this information, as delay was dangerous and every thing depended upon the preservation of my horses, I determined to turn to the right, and fell into the path I had passed the evening before, which varied in its course from north by west to north-east. The country had now become pondy in every direction. I, therefore, resolved to pursue this path until noon, in the hope that it would conduct me to better grounds, or to some devious trace which might lead to the object sought.

At 7 o'clock I crossed an east branch of Calumet River, about forty yards wide, and about noon my advance guard fired on a small party of warriors, and took a prisoner; the rest ran off to the eastward. I halted about a mile beyond the spot where this affair happened, and, on examining the prisoner, found him to be a Delaware, living near the site of the late Miami village, which, he informed me, was about thirty miles distant. I immediately retrograded four miles, and filed off by the right, over some rising ground which I had observed between the east branch of the Calumet River and a creek four or five miles in advance of it taking my course north to west. This measure, fortunately, extricated me from the bogs and ponds, and soon placed me on firm ground. Late in the afternoon, I crossed one path running from north to south, and shortly after fell into another, varying from north-west by west. I pursued this two miles, when I encamped, but finding it still inclined northward, I determined to abandon it in the morning. I resumed my march on the 6th, at 4 o'clock, the Calumet being to the westward of me. I was fearful I should strike the Wabash too high up, and perhaps fall in with the small town which you mentioned to me at the mouth of the former river. I therefore steered a due west course, and at 8 o'clock A. M. crossed a road much used both by horse and foot, bearing due north. I now knew I was near a Shawanese village, generally supposed to be on the waters of White River, but actually on those of the Calumet, and was sensible that every thing depended on the celerity and silence of my movements, as my real object had become manifest. I therefore pushed my march vigorously, leaving an officer and twenty men in ambush to watch the road, in order to intercept or beat off any part of the enemy which might be casually passing that way, and thereby prevent, as long as possible the discovery of my real intentions.

At 8 o'clock I recrossed Calumet River, now eighty yards wide, and running down NNW., and, pursuing my course, I crossed one path near the western bank of the river, taking the same course, and at six miles another, bearing to the north-east. I was now sensible, from my reckoning, compared with my own observations during the late expedition under General Scott, and the information received from your Excellency and others, that I could not be very distant from L'Anguille. The party left at the road soon fell in with four warriors encamped half a mile from the right of my line of march, killed one, and drove off the others to the northward. My situation had now become extremely critical, the whole country in the north being in alarm, which made me greatly anxious to continue my march during the night; but I had no path to direct me, and it was impossible to keep my course, or for horsemen to march through a thick swampy country in utter darkness. I quitted my camp on the 7th, as soon as I could see my way, crossed one path at three miles distance, bearing north-east, and at seven miles I fell into another, very much used, bearing north-west by north, which I at once adopted as the direct route to my object, and pushed forward with the utmost dispatch. I halted at twelve o'clock to refresh the horses and examine the men's arms and ammunition; marched again at half after one, and at fifteen minutes before five I struck the Wabash at one and a-half leagues above the mouth of Eel River, being the very spot for which I had aimed from the commencement of my march. I crossed the river and followed the path a north by east course; at the distance of two and a half miles my reconnoitering party announced Eel River in front, and the town on the opposite bank. I dismounted, ran forward, and examined the situation of the town as far as was practicable without exposing myself; but the whole face of the country, from the Wabash to the margin of the Eel River being a continued thicket of brambles, black-jacks, weeds, and shrubs of different kinds, it was impossible for me to get a satisfactory view without endangering a discovery. I immediately determined to post two companies near the bank of the river opposite to the town, and above the ground I then occupied, to make a detour with Major Caldwell and the Second Battalion, until I fell into the Miami trace, and by that route to cross the river above and gain the rear of the town, and to leave directions with Major Mc-

Dowell, who commanded the First Battalion, to lie perdu until I commenced the attack, then to dash through the river with his corps, and the advance guard, and assault the houses in front and upon the left. In the moment I was about to put this arrangement into execution, word was brought me that the enemy had taken the alarm and were flying. I instantly ordered a general charge, which was obeyed with alacrity, the men forcing their way over every obstacle, plunged into the river with vast intrepidity. The enemy was unable to make the smallest resistance. Six warriors, in the hurry of the charge, and two squaws and a child were killed; thirty-four prisoners were taken, and an unfortunate captive released, with the loss of two men killed and one wounded. I found their town scattered along the Eel River for full three miles, on an uneven, scrubby oak barren, intersected alternately by bogs almost impassable, and impervious thickets of plum-hazel and black-jacks. Notwithstanding these difficulties, if I may credit the report of the prisoners, very few who were in town escaped; expecting a second expedition, their goods were generally packed up or buried. Sixty warriors had crossed the Wabash to watch the paths leading from the Ohio.

The head chief, with all the prisoners and a number of families, was out digging a root which they substitute in the place of the potato, and about one hour before my arrival all the warriors except eight had mounted their horses and rode up the river to a French store to purchase ammunition. This ammunition had arrived from the Miami village that very day, and the squaws ininformed me, was stored about two miles from the town. I detached Major Caldwell in quest of it, but he failed to make any discovery, although he scoured the country for seven or eight miles up the river. I encamped in the town that night, and the next morning I cut up the corn, scarcely in the milk, burnt the cabins, mounted my young warriors, squaws and children in the best manner in my power, and leaving two infirm squaws and a child, with a short talk, I commenced my march for the Kickapoo town in the prairie. I felt my prisoners a vast incumbrance, but I was not in force to justify a detachment, having barely five hundred and twenty-three rank and file, and being then in the bosom of the Ouitanon country, one hundred and eighty miles removed from succor, and not more than one and a half days' march from the Pottawatamies, Shawanese and Delawares.

Not being able to discover any path in the direct course to the Kickapoo town, I marched to the road heading to Tippecanoe, in the hope of finding some diverging trace which might favor my design. I encamped that evening about six miles from Kenpacomaqua, the Indian name for the town I had destroyed, and marched next morning at four o'clock. My course continued west until nine o'clock, when I turned to the north-west on a small hunting path, and at a short distance I marched into the boundless prairies of the West, with the intention to pursue that course until I should strike a road which heads from the Patawatimas, of Lake Michigan, immediately to the town I sought. With this view I pushed forward, through bog after bog, to the saddle-skirts in mud and water, and, after persevering for eight hours, I found myself environed on all sides with morasses, which forbade my advancing, and at the same time rendering it difficult for me to extricate my little army.

The way by which we had entered was so much beat and softened by the horses that it was almost impossible to return by that route, and my guide pronounced the morass in front impassable. A chain of thin groves extended in the direction of the Wabash at this time presented to my left, it was necessary I should gain those groves, and, for this purpose, I dismounted, went forward, and, leading my horse through a bog to the armpits, in mud and water, with great difficulty and fatigue I accomplished my object, and, changing my course to south by west, I regained the Tippecanoe road at five o'clock, and encamped on it at seven o'clock, after a march of thirty miles, which broke down several of my horses.

I am the more minute in detailing the occurrences of this day, because they produced the most unfavorable effects. I was in motion at four next morning, and at eight o'clock, my advanced guard made some discoveries which induced me to believe we were near an Indian village. I immediately pushed that body forward in a trot, and followed with Major Caldwell and the Second Battalion, leaving Major McDowell to take charge of the prisoners. I reached Tippecanoe at twelve o'clock, which had been occupied by the enemy, who had watched my motions and abandoned the place that morning. After the destruction of this town, in June last, the enemy had returned and cultivated their corn and pulse, which I found in high perfection, and in much greater quantity than at L'Anguille. To refresh my horses, and give time to cut down the corn, I determined to halt until the next morning, and then to resume my march to the Kickapoo town in the prairie, by the road which leads from Ouiattanor to that place. In the course of the way, I had discovered some murmurings and discontent among the men, which I found, on inquiry, to proceed from their reluctance to advance further into the enemy's country. This induced me to call for a state of the horses and provisions, when, to my great mortification, two hundred and seventy horses were turned lame and tired, with barely five days' provisions for the men.

Under these circumstances, I was compelled to abandon my designs upon the Kickapoos of the prairies, and with a degree of anguish not to be comprehended but by those who have experienced similar disappointments, I marched forward to a town of the same nation, situated about three leagues west of Ouiattanor. As I advanced to that town, the enemy made some show of fighting me, but vanished at my approach. I destroyed this town, consisting of thirty houses, with a considerable quantity of corn in the milk, and the same day I moved on to Ouiattanor, where I forded the Wabash, and proceeded to the site of the villages on the margin of the prairie, where I encamped at seven o'clock. At this town and the villages destroyed by General Scott in June, we found the corn had been replanted, and was now in high cultivation, several fields being well plowed, all of which we destroyed. On the 12th, I resumed my march, and, falling into General Scott's return trace, I arrived, without any material incident, at the Rapids of the Ohio on the 21st instant, after a march, by accurate compilation, of four hundred and fifty-one miles from Fort Washington.

The volunteers of Kentucky have, on this occasion, acquitted themselves with their usual good conduct, but as no opportunity offered for individual distinction, it would be unjust to give one the plaudits to which all have an equal title. I can not, however, in propriety, forbear to express my warm approbation of the good conduct of my majors, McDowell and Caldwell, and of Colonel Russell, who, in the character of a volunteer without commission, led my advance, and I feel myself under obligations to Major Adair and Captain Parker, who acted immediately about my person, for the services they rendered me, by the most prompt, active, and energetic exertions.

The services which I have been able to render fall short of my wishes, my intention, and expectation; but, sir, when you reflect on the causes which checked my career and blasted my designs, I flatter myself you will believe every thing has been done which could be done in my circumstances. I have destroyed the chief town of the Ouiattanon nation, and made prisoners the sons and sisters of the king. I have burnt a respectable Kickapoo village, and cut down at least 430 acres of corn, chiefly in the milk. The Ouiattanons, left without houses, homes, or provisions, must cease to war, and will find active employ to subsist their squaws and children during the impending winter.

Should the services secure to the country I immediately represented, and the corps which I had the honor to command, the favorable consideration of the government, I shall infer the approbation of my own conduct, which, added to the consciousness of my having done my duty, will constitute the richest reward I can enjoy.

Mr. Charles Vancouvre will have the honor to deliver this letter to your Excellency, who attended me as quartermaster to the expedition, and rendered me important services. He is able to give you a satisfactory idea of the situation of the country over which I passed, and can ascertain with precision the course and distance to any point of my route. I recommend him to you as a gentleman of worth.[1]

GENERAL ST. CLAIR TO MAJOR HAMTRAMCK.

August 30, 1791.

Sir:—As soon as the surveyor returns from the Miami River, and has reported to you that the route from the camp to the banks of that river is laid out, you will move with the troops under your command to a situation on or near its banks by either of the two lines Mr. Gano will have marked, which, upon a conference with him, you shall judge the best. A road must be opened as you advance, for the passage of the artillery, and as soon as the artillery horses arrive, two pieces will be sent forward to you. You will please to choose a defensible position, and such as may admit the troops, which are now here under command of Colonel Darke, consisting of about three hundred men.

Major Ferguson has orders to mark out the ground for a small fort, to be inclosed with pickets, in doing which you will afford him such assistance as he shall require; and as soon after as may be, you will employ all the men that can possibly be spared for that purpose, in cutting down pickets, pointing them, and carrying to the place where they are to be put up, agreeably to such directions as Major Ferguson may give. The work will require about twelve hundred pickets. It is my idea that the best way to get it soon finished is to give the men an easy task for the day, and when they have performed it, that they should be dismissed. I suppose three men will very easily cut down, butt, and point five pickets, and that seven more (six of whom with handspikes) will carry them to the ground. If the working parties, then, are divided into squads of ten men, in every one of which there should be three good axe men, and furnished with poles of the exact length the pickets are to be cut to, and a sufficient number of officers and non-commissioned officers to oversee them, the business would be very soon completed, and I take the liberty to recommend this method. These directions, should Colonel Darke join you before my return, you will please to put into his hands, as he will of course take the command.

---

[1] The orthography of names of villages, streams, and Indians, as found in the MS., has been followed.

The assistant quartermaster has orders for the transportation of the tents.

GENERAL KNOX TO THE PRESIDENT.

[Extract.] WAR OFFICE, *September* 16, 1791.

Yesterday afternoon I received a letter from General St. Clair of the 8th of August, referring to one of the 3d of the same month by Captain Mills, which I have not yet received.

He complains that neither General Butler nor the quartermaster had joined him, although it would seem that a great part of his force had.

He also complains that the contractor's agent had not at that period authority to procure the horses to transport the provisions, and that he had directed a former order of his own for the purchase of eight hundred horses to be carried into execution.

He mentions that, upon reconsideration, he shall take tents; that he shall not be able to move forward with the whole army until the 1st of September, but that he should move with the troops he had, the next day, about six miles in advance, and there wait for General Butler.

GENERAL ST. CLAIR TO GENERAL KNOX.

FORT WASHINGTON, *September* 18, 1791.

Sir:—On the 18th, I had the honor to advise you of the arrival of General Butler and the last of the troops I had reason to expect for the campaign, and that I had heard of Captain Buel's arrival, and to inclose the last monthly return. The militia from Kentucky are expected on the 25th. It is probable that I shall move from the camp on the Great Miami on or before that day, and they will follow, but I doubt I have been too sanguine in my calculation of the time necessary for erecting the fort there, but as soon as it is inclosed, and the shell of the houses up, the garrison will be able to complete it for themselves before winter. The commissary has got forward to that place about one hundred thousand rations, and the quartermaster informs me that he expects to move from hence every thing immediately necessary in his department by the 21st, and the court of inquiry will probably be over about the same time, so that I do not now see any thing that is likely to impede us any further. I have given you, sir, this short view of our present expectations for your satisfaction, because this letter, which goes by a light canoe of the contractor's to Pittsburgh, may possibly get to hand before that of the 18th,[1] where they are detailed more at large, to assure you once more that every possible exertion shall be made to bring the campaign to a speedy and happy issue.

General Knox to the President.

War Department, *September* 24, 1791.

Sir:—I have the honor to inform you that, since my last, I have received several letters from Major-General St. Clair, up to the 29th of the last month. He complains heavily that neither General Butler nor the quartermaster had joined him, and seems to be apprehensive that the state of the river would prevent their arrival altogether.

Under this impression, he has called upon the county lieutenants to meet him the 3d of September, in order to obtain from them as many militia as he might require. He was induced to this measure from the advice of Judge Innes, and others, in order to persuade the lieutenants, to a measure, which it seems they would enter with an order from the Governor of Virginia, which they had not received. I wrote to the Governor of Virginia, by your authority, on the 15th of July, requesting him to instruct the county lieutenants of Kentucky that, in case General St. Clair should call for militia, that there should be no obstruction. He answered on the 4th of August, "that he had embraced the first opportunity to instruct General Scott to use every exertion to insure them of ample compliance with the requisition of the general of the Federal troops for militia."

---

[1] Evidently an error in date. The letter referred to never reached its destination. See letter of General Knox to St. Clair, October 13th, p. 247.

But I flatter myself that he will not think proper to require any militia, excepting, perhaps, two or three hundred mounted volunteers. As it will appear, from the inclosed statement of troops taken from the muster-rolls, that, deducting for sick and desertions, he will have, on the 10th of this month, above two thousand effectives, regulars and levies, besides making an allowance of nearly four hundred for non-effectives.

The horses for the quartermaster's department for transporting the provisions and for the artillery, were provided, and the artillery and ammunition for the infantry were in readiness, and the troops which had assembled on the 15th of August, had, on that day, moved forward to the crossing of the Miami, and reached the first post of communication. General St. Clair is apprehensive that what General Butler calls his last detachment will not arrive in season, but that he shall not wait for it. If the enemy means to make proposals for peace, it is not likely to happen until the army is in motion. I believe they will give us credit for numbers sufficient to the end.

It may be fairly concluded, that, as every thing was in readiness but the rear guard, that General St. Clair would move to the first post of communication without it, about thirty-five miles, and that General Butler would join him there about the 12th instant.

P. S.—I have omitted to state that General St. Clair mentions it as his opinion, that the two successful volunteer expeditions will entirely detach the Wabash Indians from the hostile Indians, and that three hundred of them, men, women, and children, had put themselves under the protection of the United States, not far from Post Vincennes.

GENERAL KNOX TO GENERAL ST. CLAIR.

WAR DEPARTMENT, *September* 29, 1791.

Sir:—I have received from Brigadier-General Wilkinson a copy of his report to you relative to his expedition against L'Anguille.

As his conduct and services on this occasion merit public thanks, I have transmitted him a letter, of which the following is an extract:

"I have, by this day's post, instructed Major-General St. Clair—if he had not already performed that pleasing duty—to thank you, in the name of the President of the United States, for the zeal, perseverance and good conduct manifested by you in the command of the expedition, and for the humanity observed towards the prisoners whom you captured. And, also, to thank the officers and privates of the volunteers for their activity and bravery while under your command; and to express his hope that you and they may enjoy in future entire peace as a reward for your services."

If you should not have previously thanked him, you will please do it according to the ideas expressed to him.

GENERAL KNOX TO THE PRESIDENT.

WAR DEPARTMENT, *October* 1, 1791.

Sir:—Yesterday I received a letter from General St. Clair, dated at Lexington, in Kentucky, the 4th ultimo. He had repaired to that place in order to meet the county lieutenants of the district, for the purpose of obtaining such a number of militia as he judged would be necessary to enable the army to accomplish the objects which had been directed. He agreed with the county lieutenants that eleven hundred and fifty non-commissioned and privates should be drafted, although he says he neither expects nor desires more than seven hundred and fifty. They are to be at Fort Washington on the 25th ultimo. He, upon a full consideration and consultation with the county lieutenants, decided that the militia to be called out should not be volunteers, but to act as infantry, and to serve for three months if necessary. The county lieutenants were unanimous and cordial in their promises.

In the meantime, he had ordered the first division of the troops, already assembled at or near Fort Washington, to move to the Miami River on the 2d ultimo, about thirty-five miles from Fort Washington, and Colonel Darke, with the second division, to follow as soon as possible. This would be the first post of communication, and as soon as it should be finished, which he expects will be in ten days' after its commencement, he would move forward to establish a second post, and there he shall expect to be joined by General Butler and the militia from Kentucky. He seems to think it imprudent to move farther than a second until his whole force should be collected. He supposes, from his information, that it is possible to assemble twelve or fifteen hundred hostile Indians, but that they can not subsist long together, as the country is very far from being stocked with game.

I am persuaded that General Butler must have joined with the rear about the 12th ultimo.

General St. Clair says: "I beg you to assure the President that nothing can exceed the anxiety I feel to have the operations of the campaign begun, and it is a point on which, for some time past, I have been uneasy to a great degree; to forward the preparations, nothing has been left undone, early and late, with the few men under my command."

Indeed, judging from the very full communications of General St. Clair, which I have forborne troubling you with at present in the detail, it would appear that he has exerted himself in the highest degree.[1] The distance of the second post will be probably about seventy miles from Fort Washington, and about fifty miles from the Miami village. He will have all the regular force before he leaves his first post of communication, and it will probably be superior to all possible combinations which may be brought against him. But, although his regular force may appear to be sufficient at this distance, yet, confiding in his judgment, his call of the militia will, in all human probability, give the greatest certainty to his operations, and which, I flatter myself, will be entirely efficacious and honorable to the government.

Had the operations commenced two months earlier, it would have been more comfortable for the troops, and have given greater time to have improved all advantages. But the extensive field from which the troops have been collected, the lowness of the waters on the Ohio, and the tedious delays of some of the agents in the business, have rendered an earlier campaign impracticable.

MAJOR-GENERAL BUTLER TO GENERAL ST. CLAIR.

CAMP MIAMI, *October 3d*, 1791.

Sir:—I have the honor to transmit to your Excellency a duplicate of the proceedings of the Court of Inquiry on the conduct of Brigadier-General Harmar, commanding officer on the expeditions against the Miami Indians last year.[2]

I have also the pleasure to inform you that the army will march to-morrow morning at 8 o'clock. Horses are distributed to the troops, and ammunition distributed as follows, viz: All the artillery, except sixty rounds per gun, and half the musket cartridges. Captain

---

[1] This letter of the Secretary of War refers to communications from General St. Clair, which are missing from the Government archives. St. Clair's own copies were lost on the 4th of November.

[2] Finding of the Court—the acquittal of General Harmar with honor.

Montford, with a detachment as directed, *chiefly of the convalescents*, has moved this day to the fort. A body of the contractors' stores have crossed the river under a covering party for the night, and will join on the line of march when the army comes up. I have just received a verbal report from Captain Ginnon, the surveyor, who is returned. He has been seven miles, and says the face of the country is level but very brushy, and in his opinion it is impracticable for loaded horses to get on without a road. Of this I will be a better judge as I advance and try the present order of march, etc. Should I find it impracticable to execute, I feel confident that any directions that may be necessary to facilitate the movement will meet your approbation. The road is cut one and a-half miles to a good stream of water and ground to encamp on. Five miles advanced of that is a large creek, which is three feet deep at the place he crossed, but a little below is a ford, which it is probable we must up [out]. Should I not have the honor to see you to-morrow evening, I will continue the march, and advise you of my progress.

GENERAL ST. CLAIR TO SECRETARY KNOX.

FORT WASHINGTON, *October 6th*, 1791.

Sir:—I have now the satisfaction to inform you that the army moved from Fort Hamilton, the name I have given to the fort on the Miami, on the 4th, at eight in the morning, under the command of General Butler.

The order of march and encampment I had regulated before, and on the 3d returned to this place to get up the militia. They marched yesterday, and consist of but about three hundred men, as you will see by the enclosed abstract of the muster. I have reason to believe, however, that at least an equal number will be up here by the 10th, and I have left orders for them to follow us. The monthly return should have accompanied this letter, but it was not ready when I left camp, and has not been forwarded since. I have hitherto found it impossible to reduce the officers commanding corps to punctuality with respect to their returns, but they are mending. Our number, after deducting the garrisons of this place and Fort Hamilton, are about two thousand, exclusive of the militia. I trust I shall find them sufficient, and should the rest of the militia come on, it will make the matter pretty certain; but the season is now so far advanced, that I fear the intermediate posts, which would, indeed, have been highly necessary, it will be impossible to establish.

In that, however, I must be governed by circumstances, of which I will take care that you shall be apprised in due time. Should the enemy come to meet us, which seems to be expected, and be discomfited, there will be no difficulties, but if they expect us at the Miami villages, the business will wear another face, and the intermediate posts become more essential.

Since the quartermaster has been here, and got into his gears, which it took him a little time to do, I am very well satisfied with him, and do believe he will answer the description which you was pleased to give me of him; his business seems now to be well-arranged.

In order to communicate with some degree of certainty with your office, I have directed Captain Buel, when he arrives, to send a sergeant and twelve men to a house that has been newly erected, half-way betwen this place and Lexington, to each of which two men are to be sent off on every Monday morning to carry dispatches. Those for the War Office, or any other public letters, to be put into the hands of Mr. Charles Wilkins, merchant, of Lexington, who has engaged to forward all I have occasion to send, regularly, once a fortnight; and should you, sir, think proper to use the same route for any of yours, if they are sent to his care, he will forward them to me. I have been led to prefer this channel of communication to that of the river, because it appears to be rather the more certain of the two, though it may be a little more tedious, and because desertion continues to prevail among the troops, and the sending small parties to such a distance gives great opportunity to effect it. General Butler informs me that no less than twenty-one went off the night before the army moved from Fort Hamilton. I am this moment setting out for the army, which I hope to overtake to-morrow evening, and I will write to you again, as soon after as may be.

General St. Clair to Israel Ludlow, Agent of the Contractors.

[Extract.] *October 8th*, 1791.

I make no doubt, sir, that you will do all in your power—impossibilities I do not look for, but, sir, ninety thousand rations of provisions ought to have been at this place by this time, and horses to carry forward forty-five thousand. This you know had been demanded and promised; instead of which, by the day after to-morrow I shall not have an ounce, unless some arrives in the mean time. If you found the transportation impracticable, you ought to have informed me, that I might have taken means to have got supplies forward, *or not have committed my army to the wilderness.* I have now sent two hundred and eighty or ninety horses from the quartermaster's department to bring a supply; and I require an explicit answer to the following questions: What is the earliest time you can have twenty days' flour for the army forward at this place? If you are not able to send on flour for twenty days, for how many days can you send, and when may it be expected to arrive with certainty? It seems to me, sir, to be idle to talk about disappointments in drivers, and horses thereby unemployed, in a business where the honor and the interests of the United States are so deeply concerned as in the present. No disappointment should have happened which was in the power of money to prevent; and money could certainly have prevented any here. A competent number of horses were provided to your hand; how they have been employed I know not; certainly one half of them have never been upon the road, or we should not have been in our present situation; and take notice, that the want of drivers will be no excuse to a starving army and a disappointed people.[1]

GENERAL KNOX TO GENERAL ST. CLAIR.

WAR DEPARTMENT, *October* 13, 1791.

Sir:—I have the honor to acknowledge the receipt of your letter of the 18th ult., from Fort Washington by the contractor's light canoe, which refers to a former letter, by some other conveyance, not yet come to hand.

Captain Haskell will have arrived at Fort Pitt by this time. Captain Cushing will probably march from Brunswick with about ninety men on the 18th instant.

We shall be extremely anxious to hear from you while upon your expedition, which, I pray God, may succeed in all its parts.

As you will not probably receive this letter until your return from the expedition, I shall not enter into details.

The President of the United States is absent in Virginia, and will not be here until the 20th.

---

[1] This letter was probably dispatched from Fort Hamilton.

GENERAL ST. CLAIR TO SAMUEL HODGDON, QUARTERMASTER-GENERAL.

CAMP, SIXTY-EIGHT AND A HALF MILES ADVANCED,
October 21*st*, 1791.

Sir:—From a letter of the contractors' agent for transporting the provisions of the army, of the 17th instant, I have the greatest reason to fear a disappointment which may render the whole campaign abortive. You will, therefore, sir, with all the expedition you can make, go back and obtain a certain and precise account from him, of the measures he has taken to afford a certain supply of provisions for the army, not only at this place, but at every other where it may move to; and on the communication, I should have been glad to have furnished you with a copy of my orders to him upon the subject, but I have them not with me; they are in general these: That forty-five thousand rations of provisions should move with the army; that twice in every ten days forty-five thousand rations should move from Fort Washington to the next post, until three hundred and sixty thousand rations were sent forward; that forty-five thousand rations should again move with the army from the first post to a second, and an equal number twice in every ten days until the residue of the three hundred and sixty thousand were carried forward, and so on from post to post, still moving with forty-five thousand rations. They have failed entirely in enabling me to move with forty-five thousand rations, and from the letter above mentioned, the agent seems not to expect to move any beyond this place; for he says: "If you move from thence (meaning this place) shortly, and take ten days' provisions with you, it will deprive us of the means to transport what may be necessary after that is exhausted." After, then, that you know *exactly* what the contractors can do as to transportation, (for so far as they can do it, it is their business, and must not be taken out of their hands) you will take your measures so, as that, on the 27th instant, I may be able to move with three hundred horse-loads of flour, and that one hundred and fifty horse-loads succeed that every seven days; one hundred and fifty horses being sent back every seven days. For whatever expense may attend the arrangement, this shall be your warrant; and I am certain, from your personal character, as well as from your zeal for the public good, that no unneccessary expense will be incurred. It is to be observed, that our beef will be expended about the 5th or 6th of next month. When I left Fort Washington, the agent of the contractors informed me that he expected a drove of cattle very soon; whether they are arrived or not I am not informed. I have written to him on this occasion; but I request you to inform yourself, and, if necessary, to make provision there also; and, indeed, there is not a moment to lose about it, and to provide for any deficiency. He writes me that the measures he has taken will give a supply to the last of December or a month longer, but nothing must be left to hazard.

GENERAL ST. CLAIR TO SECRETARY KNOX.

CAMP, EIGHTY-ONE MILES ADVANCED OF FORT WASHINGTON,
November 1, 1791.

Sir:—Since I had the honor to write to you on the 21st instant, nothing very material has happened, and, indeed, I am at present so unwell, and have been so for some time past, that I could ill detail it if it had happened—not that that space of time has been entirely barren of incidents, but as few of them have been of the agreeable kind, I beg you to accept a sort of journal account of them, which will be the easiest for me.

On the 22d, the indisposition that had hung about me for some time, sometimes appearing as a bilious colic, and sometimes as a rheumatic asthma, to my great satisfaction, changed to a gout in the left arm and hand, leaving the breast and stomach perfectly relieved, and the cough, which had been excessive, entirely gone. This day, Mr. Ellis, with sixty militia from Kentucky, joined the army, and brought up a quantity of flour and beef.

23d.—Two men taken in the act of deserting to the enemy, and one for shooting another soldier and threatening to kill an officer, were hanged upon the grand parade, the whole army being drawn out. Since the army has halted, the country around this, and ahead for fifteen miles, has been well examined. It is a country which, had we arrived a month sooner in it, and with three times the number of animals, they would have been all fat now.

24th.—Named the fort Jefferson (it lies in lat. 50, 4.22 N.), and marched, the same Indian path serving to conduct us about six miles, and encamped on good ground and in an excellent position; a rivulet in front and a very large plain, which would, at the proper season afford forage for a thousand horses, on the left. So ill this day that I had much difficulty in keeping with the army.

25th.—Very hard rains last night; obliged to halt to-day on account of provisions, for though the soldiers may be kept pretty easy in camp under the expectation of provisions arriving, they can not bear to march in advance and take none along with them; received a letter from Mr. Hodgden by express; 1,300 pounds flour will arrive the 27th.

26th.—A party of militia, sent to reconnoiter, fell in with five Indians and suffered them to slip through their fingers. In their camp, articles to the value of $22 were found and divided. The Virginia battalion is melting down very fast, notwithstanding the promises of the men to the officers. Thirteen have been discharged by Colonel Darke to-day.

27th.—Gave orders for enlisting the levies, with condition of serving out their time in the present corps. Piamingo[1] arrived in camp with his warriors. I was so unwell, could only see him and bid him welcome; but entered on no business. Considerable dissatisfaction among the levies about their enlistments.

28th.—Some clothing sent for to Fort Washington for the recruits arrived, was begun to be distributed, and will have a good effect; but the enlisting the levies does not meet with the encouragement that might have been expected. It is not openly complained of by the officers, but it is certainly privately by some of high rank; and the measure of tempting them with warm clothing condemned. Mr. Hodgdon writes me that he is sending forward a quantity of woolen overalls and socks, by General Butler's orders. I have ordered them to be deposited at Fort Jefferson. Some few Indians about us—probably those the militia fell in with a day or two ago. Two of the levies were fired upon about three miles off, one killed; two of the militia likewise. One of them got in, and the other missing—supposed to be taken.

29th.—Piamingo and his people, accompanied by Captain Sparks and four good riflemen, going on a scout; they do not propose to return under ten days, unless they sooner succeed in taking prisoners.

30th.—The army moved about nine o'clock, and, with much difficulty, made seven miles, having left a considerable part of the tents by the way; the provision made by the quartermaster for that purpose was not adequate—three days' flour issued to the men, to add the horses that carried it to his arrangements—the Indian road still with us; the course of this day, N. 25 W.

31st.—This morning, about sixty of the militia deserted; it was at first reported that one-half of them had gone off, and that their design was to plunder the convoys which were upon the road. I detached the first regiment in pursuit of them, with orders to Major Hamtramck to send a sufficient guard back with Benham (a commissary) whenever he met with them, and follow about twenty-five miles below Fort Jefferson, or until he met the second convoy, and then return and join the army. Benham arrived last night, and to-day, November 1st, the army is halted to give the road-cutters an opportunity of getting some distance ahead, and that I might write to you. I am this day considerably recovered, and hope that it will turn out what I at first expected it would be, a friendly fit of the gout, come to relieve me from every other complaint.

---

[1] Written also Payamingo.

Yesterday, I was favored with yours of the 28th and 29th of September. I have inclosed my communications with the old and new contractors, and their answers. My orders from the posts to them are not yet definitive, but they will be very soon. In the meantime, I expect they are both at work.

P. S.—Your letters, to General Wilkinson and General Scott, Mr. Jones and Mr. Brown, are sent back; and the public thanks, in the name of the President, presented to General Wilkinson, agreeably to your directions.

THE CAMPAIGN IN THE INDIAN COUNTRY.

[From the Diary of Major Ebenezer Denny, Aid-de-Camp to Major-General St. Clair.]

FORT WASHINGTON, *Sept.* 1*st*.

General St. Clair appears exceedingly impatient at the delay or detention of some of the corps. The quartermaster-general, Hodgdon, not yet come on, and General Butler, the second in command, is also back. Preparations for the campaign very backward. General Harmar seems determined to quit the service; has positively refused going on the campaign, and takes no command.

7*th*.—General Butler, and Hodgdon, the quartermaster-general, with Captain Newman's company of the Second regiment, arrive. General Harmar solicits a court of inquiry to examine into his conduct in the last campaign. The court is ordered—General Richard Butler the president. Several days spent in examining the testimony. The court make a report to the Commander-in-Chief highly honorable to General Harmar. It was impossible for me not to be affected by the determination of General Harmar. I knew that he only waited for the march of the army, when he would ascend the river with his family and retire to civil life. My secret wish was to accompany him; he discovered it, and informed me that he would apply for an officer's command to escort and work his boat to Pittsburgh, and had no doubt but that General St. Clair, upon being asked, would order me on that service. I made the request in writing; was answered that it could not be granted. I stayed with General Harmar and his family until the last moment. He conversed frequently and freely with a few of his friends on the probable result of the campaign; predicted a defeat. He suspected a disposition in me to resign; discouraged the idea. "You must," said he, "go on the campaign; some will escape, and you may be among the number."

26th.—Left Fort Washington and proceeded to join my regiment. Arrived at the army next day. Found a pleasant encampment twenty-three miles from Fort Washington, on the Great Miami. The principal part of the troops have been at this place since the 15th, building a stockade fort with four bastions. Barracks to accommodate one hundred men.

29th.—Commenced my duty as adjutant, Major Hamtramck the commanding officer of the regiment. We are informed that upward of one hundred horses have been stolen, supposed by the enemy, from the vicinity of Fort Washington; some of them cut from their fastenings under the walls of the fort.

30th.—Appointed aid-de-camp to the Commander-in-Chief. With much difficulty, finished and handed in a set of monthly returns.

Oct. 1st.—Joined the General's family, found to consist of Colonel Sargent, the adjutant-general, Count Malartie, a young Frenchman from Gallipolis, in character of volunteer aid, and the General.

2d.—Accompany Commander-in-Chief to Fort Washington. Three hundred militia had just reached that place from Kentucky.

3d.—A number of militia are reported to have deserted already.

4th.—A sergeant and nine of the militia deserted last night.

5th.—An officer from the army arrives in pursuit of deserters. A sergeant and twenty-five deserted on the night of the 3d.

6th.—After some difficulty in getting the militia equipped, they march to join the army. Public dispatches forwarded to seat of government by way of Lexington.

7th.—Set out about nine o'clock; arrive at Fort Hamilton in the afternoon. The army had marched on the 4th.

8th.—We cross the Miami twenty-five miles from Fort Washington, and follow the army; their course north sixteen degrees. Passed four encampments and the militia on their march. Joined in the evening as troops were encamping. Distance from Fort Washington forty-four and one-fourth miles. The army is five days from Fort Hamilton, at the fording of the Miami, to this place (not four miles a day).

9th.—The army marched this morning at ten o'clock, and encamped about three; gained only five miles. The country, thus far from the Miami, level, rich, and exceedingly well watered with small branches.

10th.—Army in motion at eight o'clock. Country more flat. Crossed a number of small rivulets running east. Timber chiefly beech. Gained about eight miles, and encamped at four o'clock. The horses had been all tied up last night, which enabled an early start this morning.

11th.—Ten o'clock this morning before the troops took up the line of march. Horses missing, which occasioned the delay. About twelve, arrived at a pretty little creek running west, supposed to be a branch of White River. Fresh trails of Indians discovered. Two o'clock, came directly upon an extensive wet prairie; army obliged to halt and encamp. Marched this day not more than six miles. Country very level, well watered and timbered.

12th.—This morning spent in searching the prairie and examining for a passage across. General Butler, with a party, set out early toward the east; myself, with a captain and fifty riflemen, to examine westerly. After proceeding about three miles we made out to cross the prairie, but with difficulty got my horse through. From this place we had a view for several miles west; the prairie rather appearing to increase. On the north side came upon a deep-beaten Indian path, which we followed about two miles, turned and recrossed the prairie, examined further, could find no place possible for the army to cross without bridging at least three hundred yards. General Butler's report favorable. He found a pretty good way by going three miles round. Twelve o'clock, the army marched, altering their course to north-east thirty-five degrees. Passed several small prairies, all of them swampy. Fell in with an Indian path, leading through and avoiding the wet land. March this day five and one-half miles over excellent country, watered with pretty small runs, winding about in every direction.

13th.—The General, with a few attendants, reconnoiters the country. Makes choice of ground to erect another fort for purpose of a deposit. The army moved about one o'clock, one mile, near to this ground and encamped.

14th.—Two hundred men employed, under direction of Major

Ferguson, at the new fort. It is to be a square work, curtains thirty-five yards; regular bastions in each angle. The whole raised with logs laid horizontally; the face of the curtains forming the rear of the barracks.

15th.—Cold and wet. Heavy rain last night and continues all the day.

16th.—Rain all last night. Express from Fort Washington with information of the mountain leader and twenty Indians of the Chickasaw nation on their way from Fort Washington, and also of sixty horse-loads of flour.

17th.—The new fort goes on but slowly. Weather very bad; constant rain night and day. A rifleman of the militia, a few miles from camp, with leave to hunt, fired upon by a single Indian and wounded through the hip, but made his escape into camp. Men desert; four of the First regiment went off since our arrival here.

18th.—A continuation of wet, disagreeable weather. The army would have been without bread after to-day had not a small supply of forty-eight horse-loads arrived.

19th.—All the horses of the army, quartermasters' as well as contractors', sent back for a supply of flour. Unpardonable mismanagement in the provision department. Troops put on half allowance of flour. Colonel Oldham, commanding officer of militia, directed to furnish an escort to go back with the horses. His men declare if they are sent on that duty they will not return. Falconer's company of levies escort the horses back.

20th.—The time for which the levies were enlisted begins to expire. Ten were discharged this morning; several a few days ago. The levies from Virginia claim their discharge. All of Captain Hanah's company from Alexandria discharged. An express this day from Fort Washington. Captain Buel's company of the Second regiment had arrived there from the eastward.

21st.—Very severe frost last night; ice upon the waters near a half inch thick. The food of our horses and cattle had been injured by slight frosts as early as the 4th. A strong guard escort the cattle and horses to the best pasture, and every afternoon one-half the army off duty turn out and bring grass from the prairie to serve them over night.

22d.—For want of sufficiency of flour, the General has been under the necessity of keeping the troops upon half a pound of that article daily, but the ration is made up of beef. This, however, would not satisfy militia; twenty of them deserted last night, and some more this morning. An officer near Lexington, who joined us this day with about sixty men, happened to meet those who went off this morning, and brought them back. He informed us that a number of the militia who had deserted from Fort Washington, and on the march, had been apprehended in Kentucky, and were confined in the jails. Two brigades of horses, loaded with flour, arrived this day, estimated at one thousand eight hundred pounds; also a small drove of cattle. The quartermaster-general is ordered to Fort Washington to make some more certain arrangement with regard to supplies of provisions—the contractor not to be depended on.

23d.—Two artillerymen attempted to desert to the enemy, were taken, tried, and sentenced to suffer death; were hanged, along with one of the levies, for shooting his comrade. The country for ten miles round has been well explored. Many large wet prairies, especially to the west. Upland thin, covered chiefly with white oak. Fine springs which feed the prairies. Any quantity of meadow ground—natural meadow.

24th.—The army took up their line of march about 9 o'clock. Pursued the old Indian path leading north through a fine open woods. The soil and timber of a superior quality. Gained six miles and encamped along the bank of a handsome creek running east; a large prairie on our left.[1] A captain's command left at the new fort, called Fort Jefferson, with all the men unable to march. The Commander-in-Chief has been unwell for some time past, but to-day scarcely able to accompany the army.

25th.—Rain almost all last night. Troops continued encamped.

26th.—Remain encamped. A party of fifty militia sent to reconnoiter the country north-west fell in with five of the enemy about fifteen miles from camp, but owing to mismanagement, the Indians made their escape, leaving behind in their camp, blankets, tomahawks, paint, etc., to the value of twenty-two dollars. An express from the quartermaster-general, respecting provisions. The Commander-in-Chief very ill.

27th.—The army wait for a supply of flour to enable them to proceed. The last pound served out this day, and should none arrive, on to-morrow the men will be without bread. Much dissatisfaction among the militia and levies; the latter claim their discharge; say they have served longer than the term for which they have enlisted. The enlistments are indeed somewhat extraordinary; they specify six months after assembling at the rendezvous on the frontier, but there has been no uniformity observed; some corps have inserted Winchester, some Fort Pitt, and others Fort Washington, but the bulk of the men say and declare that they engaged to serve but for six months from the date of their enlistment. These circumstances have been made a cause of complaint to the General, who has had much trouble. Piamingo and nineteen Chickasaws join the camp. The season so far advanced it will be impracticable to continue the campaign. Forage entirely destroyed; horses failing and can not be kept up; provisions from hand to mouth. A party of men engaged in throwing a bridge over the creek in front of the camp. Some hail and snow to-day.

---

[1] This camp called afterward by Wayne, "Greenville."

28th.—Seventy-four horses loaded with flour arrive; about twelve thousand pounds. This supply will afford four days' allowance to the army. A few horses came loaded with clothing for the First regiment, the officers of which were directed to fill up their companies, if possible, from the levies. The new clothing has a good effect; near forty have already enlisted. Two privates of Major Butler's battalion were fired upon about three miles from camp, one of them killed, the other wounded, but made his escape to camp. Two of the militia some miles out, were pursued by four Indians; one only got in, it is supposed the other is a prisoner, as the savages endeavored to catch him when they might have shot with certainty. In the general orders of this day, the troops directed to be under arms at the first tap of the drum, which is to be given at daylight, and to continue paraded until dismissed.

29th.—One of the sentries, which form the chain round the encampment, alarmed the troops last night about nine o'clock, and put them all under arms. He imagined that he saw an Indian, and fired three times at some object. The First and Second regimant of regulars compose about one-third of the army, and although chiefly recruits, are tolerably well disciplined, but the remainder (excepting the few militia), being levies and raised but for six months, and their times expiring daily, they take great liberties. This morning there was a constant firing kept up round the camp, nothwithstanding it is known there is a general order against it; in fact, at present they are more troublesome and far inferior to the militia. A bridge thrown across the creek. One hundred and twenty men, properly officered, were ordered forward to open the road for the army. Two hundred militia go as a covering party. Piamingo and his nineteen warriors, accompanied by Captain Sparks of the levies, with four riflemen, set out on a scout; their object, to take a prisoner. The battalion of levies from the territory south-east of the

Ohio being so small, it was blended with the one from Virginia. Supernumerary officers went home. Three days' flour issued to the troops in order that horses may be had to carry the baggage; most of the baggage horses having been sent with the quartermaster-general for provisions.

30th.—The army took up the line of march about nine o'clock, crossed the creek upon the bridge, and left a very handsome encampment. The creek which runs along in front of the ground, twenty-five yards wide, is said to be a principal branch of the Miami. Gained seven miles this day; course north-west twenty-five degrees. The soil and timber of a superior quality. The General has been so very ill since we left Fort Jefferson, that it was supposed he would not be able to proceed.

31st.—A very unpleasant camp in the woods; soil rich and timber thick and heavy. Last evening had a gust with severe lightning and thunder; directly after night the wind rose and blew violently until daybreak. The trees and limbs falling around and in the midst of us, with the darkness of the night and in an enemy's country, occasioned some concern. About 12 o'clock at night, for the first time, at the request of the General, I visited all the guards.

Army continued encamped, waiting for several brigades of packhorses loaded with flour, which had reached Fort Jefferson last night. The troops are supplied for to-day and to-morrow, and the contractor has enough for one other day; but should we move, the supply behind would be too late or lost; besides it was found yesterday that the horses with the army were not sufficient to carry the baggage, part of which had to be left on the road. The tents and other baggage sent back for and brought up. Militia show great impatience; their officers appear to have little influence. One-third turn out with a determination to go back, a few are prevailed on to stay; between sixty and seventy, however, march off in despite of every thing, and swear they will stop the pack horses with provisions. The First regiment was dispatched after them, not with an expectation of bringing them back, but with that idea and to prevent future desertions, and principally to protect the convoys. This evening two hundred and twelve horses, loaded with flour, arrived; one hundred and fifty pounds the average weight.

Nov. 1st—The army remain encamped. A party advanced to open the road. Prepare for marching to-morrow. A deposit made here of heavy articles and such as could be dispensed with, to lighten the horses.

2d.—The army marched at nine o'clock; about twelve o'clock crossed a creek fifteen yards wide, running east. The country very flat and marshy. Joined this afternoon by another Indian path much frequented. Gained eight miles and encamped. Course north twenty-five degrees east this day, and total distance from Fort Washington eighty-nine miles. A scout sent out yesterday fell in with an Indian camp, got some plunder and seven horses branded United States, supposed to have been stolen from Fort Washington. We had a light snow all this day.

3d.—Marched at nine o'clock. The first four miles very flat and wet. About twelve, passed over dry ground, and descended gradually for three miles to a small creek supposed to be a branch of the waters emptying into Lake Erie; proceeded two miles further, and encamped on pleasant, dry ground, on bank of a creek about twenty yards wide, said to be the Pickaway fork of the Omee.[1] Distance this day about nine miles; general course north-west thirty degrees. Fresh signs of the savages appeared to-day in several places; parties of riflemen detached after them, but without success. It was later than usual when the army reached the ground this evening, and the men much fatigued prevented the General from having some works of defense immediately erected. Major Ferguson, commanding officer of artillery, sent for, and a plan agreed on, intended to be commenced early on to-morrow. The high, dry ground barely sufficient to encamp the army; lines rather contracted. Parallel with the front line runs the creek, about twenty yards wide. On both flanks low, wet ground, and along most part of the rear. Militia advanced across the creek about three hundred yards, Had accompanied the quartermaster in the afternoon on to this ground; it was farther than could have been wished, but no place short of it appeared so suitable. I was much pleased with it; returned and made report; found the army halted and about to encamp on flat land, and with no good water; although it was late, the march was continued till just dark, when we reached the creek.

4th.—Camp on a creek twenty yards wide, supposed to be the Pickaway fork of the Omee, ninety-eight miles from Fort Washington. The frequent firing of the sentinels through the night had disturbed the camp, and excited some concern among the officers. The guards had reported the Indians to lie skulking about in considerable numbers. About ten o'clock at night General Butler, who commanded the right wing, was desired to send out an intelligent officer and party to make discoveries. Captain Slough, with two subalterns and thirty men, I saw parade at General Butler's tent for this purpose, and heard the General give Captain Slough very particular verbal orders how to proceed. Myself and two or three officers staid with the General until late, when I returned to the Commander-in-Chief, whose tent was at some distance on the left, and who was unable to be up.

---

[1] Known since to be a branch of the Wabash.

The troops paraded this morning at the usual time, and had been dismissed from the lines but a few minutes, and the sun not yet up, when the woods in front rung with the yells and fire of the savages. The poor militia, who were but three hundreds yards in front, had scarcely time to return a shot—they fled into our camp. The troops were under arms in an instant, and a smart fire from the front line met the enemy. It was but a few minutes, however, until the men were engaged in every quarter. The enemy from the front filed off to the right and left, and completely surrounded the camp, killed and cut off nearly all the guards, and approached close to the lines. They advanced from one tree, log, or stump to another, under cover of the smoke of our fire. The artillery and musketry made a tremendous noise, but did little execution. The Indians seemed to brave every thing, and, when fairly fixed around us, they made no noise other than their fire, which they kept up very constant, and which seldom failed to tell, although scarcely heard. Our left-flank, probably from the nature of the ground, gave way first; the enemy got possession of that part of the encampment, but, it being pretty clear ground, they were too much exposed, and were soon repulsed. Was at this time with the General engaged toward the right; he was on foot, and led the party himself that drove the enemy and regained our ground on the left. The battalions in the rear charged several times and forced the savages from their shelter, but they always turned with the battalions and fired upon them back; indeed, they seemed not to fear any thing we could do. They could skip out of reach of the bayonet, and return as they pleased. They were visible only when raised by a charge. The ground was literally covered with the dead. The wounded were taken to the center, where it was thought most safe, and where a great many who had quit their posts unhurt had crowded together. The General, with other officers, endeavored to rally these men, and twice they were taken out to the lines. It appeared as if the officers had been singled out; a very great proportion fell, or were wounded, and obliged to retire from the lines early in the action. General Butler was among the latter, as well as several other of the most experienced officers. The men, being thus left with few officers, became fearful, despaired of success, gave up the fight, and, to save themselves for the moment, abandoned entirely their duty and ground, and crowded in toward the center of the field, and no exertions could put them in any order even for defense; perfectly ungovernable. The enemy at length got possession of the artillery, though not until the officers were all killed but one, and he badly wounded, and the men almost all cut off, and not until the pieces were spiked. As our lines were deserted the Indians contracted theirs until their shot centered from all points, and now, meeting with little opposition, took more deliberate aim and did great execution. Exposed to a cross fire, men and officers were seen falling in every direction; the distress, too, of the wounded made the scene such as can scarcely be conceived; a few minutes longer, and a retreat would have been impracticable. The only hope left was, that perhaps the savages would be so taken up with the camp as not to follow. Delay was death; no preparation could be made; numbers of brave men must be left a sacrifice—there was no alternative. It was past nine o'clock, when repeated orders were given to charge toward the road. The action had continued between two and three hours. Both officers and men seemed confounded, incapable of doing any thing; they could not move until it was told that a retreat was intended. A few officers put themselves in front, the men followed, the enemy gave way, and perhaps not being aware of the design, we were for a few minutes left undisturbed. The stoutest and most active now took the lead, and those who were foremost in breaking the enemy's line were soon left behind. At the moment of the retreat, one of the few horses saved had been procured for the General; he was on foot until then; I kept by him, and he delayed to see the rear. The enemy soon discovered the movement and pursued, though not more than four or five miles, and but few so far; they turned to share the spoil. Soon after the firing ceased, I was directed to endeavor to gain the front, and, if possible, to cause a short halt that the rear might get up. I had been on horseback from the first alarm, and well mounted; pushed forward, but met with so many difficulties and interruptions from the people, that I was two hours at least laboring to reach the front. With the assistance of two or three officers I caused a short halt, but the men grew impatient and would move on. I got Lieutenants Sedam and Morgan, with half a dozen stout men, to fill up the road and to move slowly; I halted myself until the General came up. By this

[illegible] VII - P 2 [illegible]

Neg in State P, VI - P, 243

time the remains of the army had got somewhat compact, but in the most miserable and defenseless state. The wounded who came off left their arms in the field, and one-half of the others threw theirs away on the retreat. The road for miles was covered with firelocks, cartridge-boxes and regimentals. How fortunate that the pursuit was discontinued; a single Indian might have followed with safety upon either flank. Such a panic had seized the men, that I believe it would not have been possible to have brought any of them to engage again. In the afternoon Lieutenant Kersey, with a detachment of the First regiment, met us. This regiment, the only complete and best disciplined portion of the army, had been ordered back upon the road on the 31st of October. They were thirty miles from the battle-ground when they heard distinctly the firing of the cannon; were hastening forward and had marched about nine miles when met by some of the militia, who informed Major Hamtramck, the commanding officer, that the army was totally destroyed. The Major judged it best to send on a subaltern to obtain some knowledge of things, and to return himself with the regiment to Fort Jefferson, eight miles back, and to secure at all events that post. He had made some arrangements, and as we arrived in the evening, found him preparing again to meet us. Stragglers continued to come in for hours after we reached the fort.

The remnant of the army, with the first regiment, were now at Fort Jefferson, twenty-nine miles from the field of action, without provisions, and the former without having eaten any thing for twenty-four hours. A convoy was known to be upon the road, and within a day's march. The General determined to move with the First regiment and all the levies able to march. Those of the wounded, and others unable to go on, were lodged as comfortably as possible within the fort. Accordingly, we set out a little after ten and continued our route until within an hour of daylight, then halted and waited for day and until the rear came up. Moved on again about nine o'clock; the morning of the 5th we met the convoy. Stopped a sufficiency to subsist us to Fort Hamilton; sent the remainder on to Jefferson under an additional escort of a captain and sixty men; proceeded, and at the first water halted, partly cooked and eat for the first time since the night preceding the action. At one o'clock moved on, and continued our route until nine at night, when we halted and made fires within fifteen miles of Fort Hamilton. Marched again just before day; the General soon after rode on to the fort. Troops reached in the afternoon.

7th.—Fort Hamilton command was ordered off with a small supply for the wounded, etc. About twelve same day, continued our march, and halted before night within fifteen miles of Fort Washington, which place we reached the afternoon of the 8th.

The prediction of General Harmar, before the army set out on the campaign, was founded upon his experience and particular knowledge of things. He saw with what material the bulk of the army was composed; men collected from the streets and prisons of the cities, hurried out into the enemy's country, and with the officers commanding them totally unacquainted with the business in which they were engaged; it was utterly impossible they could be otherwise. Besides, not any one department was sufficiently prepared; both quartermaster and contractors extremely deficient. It was a matter of astonishment to him that the commanding general, who was acknowledged to be perfectly competent, should think of hazarding, with such people, and under such circumstances, his reputation and life, and the lives of so many others, knowing, too, as both did, the enemy with whom he was going to contend; an enemy brought up from infancy to war, and perhaps superior to an equal number of the best men that could be taken against them. It is a truth, I had hopes that the noise and show which the army made on their march might possibly deter the enemy from attempting a serious and general attack. It was unfortunate that *both* the general officers were, and had been disabled by sickness; in such situation it is possible that some essential matters might be overlooked. The Adjutant-General, Colonel Sargent, an old revolutionary officer, was, however, constantly on the alert; he took upon himself the burden of every thing, and a very serious and troublesome task he had.

General St. Clair to the Secretary of War.

Fort Washington, *9th November*, 1791.

Sir:—Yesterday afternoon the remains of the army under my command got back to this place, and I have now the painful task to give you an account of as warm and as unfortunate an action as almost any that has been fought, in which every corps was engaged and worsted, except the First regiment, that had been detached upon a service I had the honor to inform you of in my last dispatch, and had not joined me.

On the 3d instant, the army had reached a creek about twelve yards wide, running to the southward, which I believe to have been the river St. Mary, that empties into the Miami of the lake; arrived at the village about four o'clock in the afternoon, having marched near nine miles, and were immediately encamped upon a commanding piece of ground in two lines, having the above-mentioned creek in front. The right wing composed of Butler's, Clarke's, and Patterson's battalions, commanded by Major-General Butler, formed the first line; and the left wing, consisting of Bedinger's and Gaither's battalions, and the Second regiment, commanded by Colonel Darke, formed the second line, with an interval between them of about seventy yards, which was all the ground would allow.

The right flank was pretty well secured by the creek, a steep bank, and Faulkener's corps; some of the cavalry and their pickets covered the left flank; the militia were thrown over the creek, and advanced about one quarter of a mile, and advanced in the same order; there were a few Indians who appeared on the opposite side of the creek, but fled with the utmost precipitation on the advance of the militia; at this place, which I judged to be about fifteen miles from the Miami village, I had determined to throw up a slight work, the plan of which was concerted that evening with Major Ferguson, wherein to have deposited the men's knapsacks, and every thing else that was not absolutely necessary, and to have moved on to attack the enemy as soon as the First regiment was come up; but they did not permit me to execute either, for on the 4th, about half an hour before sunrise, and when the men had just been dismissed from the parade (for it was a constant practice to have them all under arms a considerable time before daylight), an attack was made upon the militia. Those gave way in a very little time, and rushed into camp, through Major Butler's battalion, which, together with part of Clarke's, they threw into considerable disorder, and which, notwithstanding the exertions of both those officers, was never altogether remedied, the Indians following close at their heels; the fire, however, of the front line checked them, but almost instantly a heavy attack began upon that line, and in a few minutes it was extended to the second likewise; the great weight of it was directed against the center of each, where the artillery was placed, and from which the men were repeatedly driven with great slaughter; finding no great effect from our fire, and confusion beginning to spread from the great number of men who were falling in all quarters, it became necessary to try what could be done with the bayonet.

Lieutenant-Colonel Darke was accordingly ordered to make a charge with part of the second line, and to turn the left flank of the enemy. This was executed with great spirit. The Indians instantly gave way, and were driven back three or four hundred yards; but, for the want of a sufficient number of riflemen to pursue this advantage, they soon returned, and the troops were obliged to give back in their turn. At this moment they had entered our camp by the left flank, having pursued back the troops that were posted there.

Another charge was made here by the Second regiment, Butler's and Clarke's battalions, with equal effect, and it was repeated several times, and always with success; but in all of them many men were lost, and particularly the officers, which, with some raw troops, was a loss altogether irredeemable. In that I just spoke of, made by the Second regiment and Butler's battalion, Major Butler was dangerously wounded, and every officer of the Second regiment fell except three, one of whom, Mr. Greaton, was shot through the body.

Our artillery being now silenced, and all the officers killed except Captain Ford, who was badly wounded, more than half of the army fallen, being cut off from the road, it became necessary to attempt the regaining it, and to make a retreat if possible. To this purpose, the remains of the army were formed, as well as circumstances would admit, towards the right of the encampment; from which, by the way of the second line, another charge was made upon the enemy, as if with the design to turn their right flank, but, in fact, to gain the road; this was effected, and as soon as it was open, the militia took along it, followed by the troops, Major Clarke, with his battalion, covering the rear.

The retreat in those circumstances was, you may be sure, a very precipitate one; it was, in fact, a flight. The camp and the artillery were abandoned, but that was unavoidable; for not a horse was left alive to have drawn them off had it otherwise been practicable. But the most disgraceful part of the business is that the greatest part of the men threw away their arms and accouterments, even after the pursuit, which continued about four miles, had ceased. I found the road strewed with them for many miles, but was not able to remedy it; for, having had all my horses killed, and being mounted upon one that could not be pricked out of a walk, I could not get forward myself, and the orders I sent forward, either to halt the front, or to prevent the men parting with their arms, were unattended to. The rout continued quite to Fort Jefferson, twenty-nine miles, which was reached a little after sun-setting. The action began about half an hour before sunrise, and the retreat was attempted at half an hour after nine o'clock.

I have not yet been able to get returns of the killed and wounded; but Major-General Butler, Lieutenant-Colonel Oldham, of the militia, Major Ferguson, Major Hart, and Major Clarke are among the former. Colonel Sargent, my adjutant-general, Lieutenant-Colonel Darke, Lieutenant-Colonel Gibson, Major Butler, and the Viscount Malartie, who served me as an aid-de-camp, are among the latter; and a great number of captains and subalterns in both.

I have now, sir, finished my melancholy tale—a tale that will be felt sensibly by every one that has sympathy for private distress, or for public misfortune. I have nothing, sir, to lay to the charge of the troops but their want of discipline, which, from the short time they had been in service, it was impossible they should have acquired, and which rendered it very difficult, when they were thrown into confusion, to reduce them again to order, which is one reason why the loss has fallen so heavy upon the officers, who did every thing in their power to effect it. Neither were my own exertions wanting; but, worn down with illness, and suffering under a painful disease, unable either to mount or dismount a horse without assistance, they were not so great as they otherwise would, and, perhaps, ought to have been. We were overpowered by numbers; but it is no more than justice to observe that, though composed of so many different species of troops, the utmost harmony prevailed through the whole army during the campaign.

At Fort Jefferson, I found the First regiment, which had returned from the service they had been sent upon, without either overtaking the deserters, or meeting the convoy of provisions. I am not certain, sir, whether I ought to consider the absence of this regiment from the field of action as fortunate or otherwise. I incline to think it was fortunate; for I very much doubt whether, had it been in the action, the fortune of the day had been turned; and, if it had not, the triumph of the enemy would have been more complete, and the country would have been destitute of every means of defense.

Taking a view of the situation of our broken troops at Fort Jefferson, and that there were no provisions in the fort, I called on the field officers, viz.: Lieutenant-Colonel Darke, Major Hamtramck, Major Zeigler, and Major Gaither, together with the adjutant-general, for their advice what would be proper further to be done; and it was their unanimous opinion that the addition of the First regiment, unbroken as it was, did not put the army on so respectable a footing as it was in the morning, because a great part of it was now unarmed; that it had been then found unequal to the enemy, and should they come on, which was probable, would be found so again; that the troops could not be thrown into the fort, both because it was too small and that there were no provisions in it; that provisions were known to be upon the road at the distance of one, or, at most, two marches; that, therefore, it would be proper to move without loss of time to meet the provisions, where the men might have the sooner an opportunity of some refreshment, and that a proper detachment might be sent back with it to have it safely deposited in the fort. This advice was accepted, and the army was put in motion again at ten o'clock, and marched all night, and the succeeding day met with a quantity of flour; part of it was distributed immediately, part taken back to supply the army on the march to Fort Hamilton, and the remainder—about fifty horse-loads—sent forward to Fort Jefferson. The next day, a drove of cattle was met with for the same place; and I have information that both got in. The wounded who had been left at that place were ordered to be brought here by the return of the horses.

I have said, sir, in a former part of this letter, that we were overpowered by numbers. Of that, however, I have no evidence; but the weight of the fire, which was always a most deadly one, and generally delivered from the ground, few of the enemy showing themselves afoot except when they were charged, and that, in a few minutes, our whole camp, which extended above three hundred and fifty yards in length, was entirely surrounded and attacked on all quarters.

The loss, sir, the public has sustained, by the fall of so many officers, particularly General Butler and Major Ferguson, can not be too much regretted; but it is a circumstance that will alleviate the misfortune, in some measure, that all of them fell most gallantly doing their duty. I have had very particular obligations to many of them, as well as to the survivors; but to none more than to Colonel Sargent. He has discharged the various duties of his office with zeal, with exactness, and with intelligence; and, on all occasions, afforded me every assistance in his power; which I have also experienced from my aid-de-camp, Lieutenant Denny, and the Viscount Malartie, who served with me in the station as a volunteer.

P. S. Some orders that had been given to Colonel Oldham over night, and which were of much consequence, were not executed; and some very material intelligence was communicated by Captain Slough to General Butler, in the course of the night before the action, which was never imparted to me, nor did I hear of it until after my arrival here.[1]

GENERAL ST. CLAIR TO MAJOR BROWN.

FORT WASHINGTON, *November* 12, 1791.

Sir:—I request the favor that you will make known to the militia the great regret I feel for the loss they sustained in their late gallant commander, Lieutenant-Colonel Oldham, and other brave officers and soldiers. It is with pleasure I acknowledge the satisfaction received from their general orderly behavior, and the harmony and good understanding that prevailed between them and the other classes of troops which composed the army during the campaign. If some of them did desert the service of their country at a critical moment, it reflects a luster upon those who were not to be influenced by the base example; but, as that very desertion occasioned the absence of a considerable body of the troops at the time of action, and may thereby have been the cause of the misfortune that befel us, it will be the duty of every officer to use his utmost endeavor that they be brought to condign punishment, agreeably to the laws of the country. While I wish the militia individually a safe return to their families, and to their country all happiness, I can not resist the giving them this further proof of my good-will by observing that, in no case where I have seen militia employed, has there been that subordination and prompt obedience of orders which are necessary to the success of military operations, and I recommend it to them, should they be again called into their country's service, to endeavor to acquire those habits, and to practice them with alacrity, as the only means, under God, by which either personal honor or public advantage can be obtained.

---

[1] This postscript caused a sensation, and the correctness of the statement was immediately challenged by a brother of General Butler, who, it seems, relied on false representations made by Ensign Morgan. The latter was so anxious to curry favor with General Knox that he made the charge publicly that Captain Slough did not receive his orders from General Butler, and that he did not report to him, as represented. The result was, that he was tried before a court-martial, and dismissed the army for falsehood and insubordination. Subsequently General St. Clair requested that he be permitted to return to his position, as he did not wish to be the cause of punishment to any one.

In a letter to the Secretary of War, under date of November 17th, I find these two very pleasant paragraphs. The first shows that St. Clair was ever-mindful of the personal interests of the Butlers, and that no recollection of the fatal neglect of Richard Butler, on the night preceding the battle, changed his kindly feelings:

"I forgot to mention in my last a very gallant thing of Major Butler. Having received the wound which broke his leg, he retired to be dressed, and the moment this was over got himself put upon a horse, and returned to his battalion, and continued with it until it was ordered to return."

"The officers of the Second regiment, but they are, unhappily, no more, were very desirous that Doctor Brown, of the levies, who attended that regiment, should be appointed the surgeon, and had formed a representation to you on the subject. His medical abilities are, I am told, rated high, and I am sure he has been attentive. There is also in the First regiment a Mr. Elliott, who should have some claim to promotion. I believe he served in that capacity all the last war. Doctor Allison speaks well of him.

"Since writing the above, I have received a letter from General Wilkinson, of the 13th, which informs me that Kentucky is all in motion; that fifteen hundred men would assemble at Craig's Mills on the 15th, and proceed to this place."

GENERAL ST. CLAIR TO CAPTAIN JOHN ARMSTRONG.

FORT WASHINGTON, *November 20th*, 1791.

Dear Sir:—I have been favored with both your letters, and I thank you for the prudent precaution of throwing over some provisions to the other side of the river. As it has happened, there could have been nothing so opportune, for the boat which should have replaced the one that brought the wounded, after struggling some days against the current of the Miami, making but three miles, returned to-night. What is to be done to get over the detachment, I know not; and the wounded officers—my heart bleeds for them. I think it fortunate, however, so far, that you are at the post, because, if it is possible to get them over I know it will be done. Your company will be sent you, and your own baggage and the clothing were on board the boat. Another experiment shall be made forthwith to get her up. The sergeant had the good sense to get a canoe hauled across the neck from the north bend, and sent her forward with Kitchell and three of his best men. I hope in God she will get up, and afford some relief.

The quartermaster sends the tools and artificers you want, and, I pray you, let the flat be set about immediately, for it will be very much wanted, and soon, for Kentucky is in motion, and, independent of that, more provisions must be sent to Fort Jefferson. I have reason to expect the volunteers will be here to-morrow—they talk of fifteen hundred. Remember me to Colonel Gibson, Captain

Doyle, and all the gentlemen; that I can not relieve them in the instant afflicts me; my best wishes for their speedy recovery they always have.

I have been confined to my chamber, and great part of the time to my bed, ever since my return, and, though the pain is almost gone, I do not recruit. Adieu.[1]

GENERAL ST. CLAIR TO GENERAL KNOX, SECRETARY OF WAR.

FORT WASHINGTON, *November* 24, 1791.

Sir:—I have the honor to inclose a duplicate of my letter of the 17th instant, which was sent by Mr. Denny, by the way of Ohio, and a triplicate of that of the 9th, which went by the way of Lexington—the first of each of these I hope got safe to hand in due time, for I should consider it unfortunate if report, which aggravates every thing, much overruns the authentic account of the disaster that befell us.

I informed you that a large party of volunteers were on their way from Kentucky, and at that time I had sanguine expectations that a severe blow might be given to the savages yet this winter, but my expectations are lowered. A very few—twenty-five—came forward and finding that the rest would not immediately follow them, have returned, as I fear they all will. General Scott is, however, by the last accounts, encamped about twenty miles on this side of Lexington, with two or three hundred men, waiting for a reinforcement, which General Wilkinson has been sent back to hasten on to Captain Slough, with papers. Through his camp he will be able to give you more perfect information than I am at present possessed of. The main object of the volunteers was the relief of Fort Jefferson, which had been represented as invested, but that being contradicted, many returned to their homes.

The detachment returned from Fort Jefferson on the 22d. The convoy got in safe, and met with no opposition. Only two or three Indians were seen by them. Neither have any appeared about the fort, though, from the firing they frequently hear, there are small parties thereabouts. The weather proved very unfavorable at the time that detachment was in motion, and the country for ten or twelve miles between Fort Hamilton and Fort Jefferson was under water, and the snow had fallen there to a considerable depth, but was gone off again.

---

[1] The original of the above letter is in the possession of L. J. Cist, Esq., of Cincinnati.

The wounded officers are mostly returned, except Captain Gibson and Captain Darke. There is no probability that Colonel Gibson will ever return, and Colodel Drake writes me that the recovery of his son is still very doubtful.

The cold and fatigue during the march has so much inflamed his wound that he is not able to return, and added to that, his feet are frost bitten. His (Colonel Darke's) stay at that place is peculiarly embarrassing, as he had put Major Hamtramck in arrest the morning he left this place. The case was this: The day of the action, the Major was advanced about nine miles of Fort Jefferson; some persons who had been in the action informed him that the army was cut up; very few had escaped; and that the Indians were coming on he had heard distinctly; in that case he thought it imprudent to risk the regiment, and with it the fort, which at that time had invalids and convalescents only for a garrison, and returned to it. And for this he has brought the charge of cowardice and shamefully retreating for fear of the enemy against him. Colonel Darke writes me that he hopes to return in twenty or twenty-five days, but before that the possibility of ascending the Wabash will be passed, and there, I think, the Major ought to be. It is irregular to try a man when the prosecutor is absent, but as the case requires no proof, I believe I must do it; that should he be acquitted, he may be sent immediately to that country, which appears to me to be of importance.[1]

By late accounts from Pittsburgh, from Major Prescott, about ten days ago, there was no appearance of the embarkation of the troops. I wrote to him on the 19th to detach to Fort Franklin two sergeants, two corporals and twenty-three privates, to relieve the levies at that place, and to send the remainder of Haskel's company to Muskingum, if he had received no orders from you for the disposition of them. I also wrote to Captain Haskel, in case he should be met above Muskingum, to halt at that place, but as it seems likely you may have directed that it should remain where it is, I have, therefore, ordered a detachment of forty men from the Second regiment to embark for that place to-morrow; these I had intended for Gallipolis, but now I fear that place must take care of itself for this winter, but if Captain Haskel is at Muskingum, it may be possible for Mr. Tillinghast yet to fall back to Gallipolis.

---

[1] Major Hamtramck was honorably acquitted.

The levies are now all discharged except the Maryland battalion and Faulkner's corps. They were to have been mustered this day, as the previous step, but the excessive rain that is now falling will prevent it. They will take the route through the wilderness, and it is well that so many of them chose that way, as it would have been impossible to furnish them with boats—those that were at this place were in so bad condition that it would have been impossible to have kept them afloat; and, as at the same time I marched the waters were retiring so far that, if they sank, it would have been far from the shore when the river rose again, and consequently it would have been impossible to raise them. I had them hauled out from the bank, and the quartermaster has not been able to get them in repair.

Yesterday, for the first time, I have been able to leave my room, but can neither eat, drink, nor sleep—it is exactly a month since I made the last meal—twice in that time I attempted it, and paid severely for it. Bread and tea are my sustenance; nevertheless, I am recovering.

2 *o'clock* P. M.

General Scott is this moment arrived; about two hundred men are with him, and he expects a sufficient number for the enterprise will follow in the course of two or three days, but I am not without my fears that the project will blow up. Eventually, however, should Colonel Logan be of the party, which he expects, there will be no doubt as to numbers. Those, however, have already been ten days out; and, of course, a great part of their provisions and forage expended, and he has already made application for both. Should it go on and succeed, the expense will be well laid out; should a disappointment happen, and the enterprise not be undertaken, still, those who are come forward have shown their good will, and, under existing circumstances, it appears to me that it would not be prudent to disgust them, for that will be in itself a trifle.

I have also just now received letters from Post Vincennes. The following is an extract of a letter from Lieutenant Prior, who commands at Fort Knox, dated October 7th. (The first three paragraphs of the letter.)

[This is all of the letter found; as indicated in the indorsement, there was more, but it was lost.][1]

---

[1] On the back of this letter is the following note in St. Clair's hand: "A considerable part of this letter, which was written on a loose half-sheet, by some cause has been lost."

GENERAL ST. CLAIR TO ENSIGN TILLINGHAST.

[Instructions.] *November 27th*, 1791.

You will proceed to Marietta, at the mouth of the Muskingum River, with the detachment under your command, and there take post for the protection of the settlement—that protection you will afford in as ample a manner as possible, always taking care not unnecessarily to expose your men. There is a block-house where Fort Harmar stood, but which will be too small for your party. Should you find it practicable to support it, I wish it to be done, provided the inhabitants have not abandoned that side of the river; but of the propriety of that measure you must yourself be the judge. There are no public buildings at Marietta for the reception of your command; it will be, therefore, necessary that you should construct some yourself, in doing which you will meet the assistance you may stand in need of from the inhabitants, on application to Colonel Sproat, the commander of the militia. There are several pieces of artillery, ammunition, and musket cartridges and quartermaster's stores, which were left at Fort Harmar by Major Zeigler—of those he will give you an invoice, and, when you arrive there, you will please to compare it with the actual state, and make return to me or the officers commanding the troops at this place. Should you meet Major Trescot on the river, which is probable, or Captain Hasket, you will speak with them, and inquire whether my orders for leaving a detachment at Muskingum had reached either of them and been complied with. If they have been complied with, and you meet them above Gallipolis, you are to fall back and take post there for the same purpose of protecting the inhabitants until further orders. Should it be below Gallipolis that they, or either of them, are met with, and a detachment has been left at Muskingum, you are to proceed to that place and take post as above, taking care to give the earliest possible notice to me or the officer commanding here, that a proper supply of ammunition may be sent to you. In either case—that is, whether you stop at Gallipolis or Muskingum, you will furnish Captain Ashton and the officers with him who are ordered on the recruiting service, with the boat and a sufficient number of men to take them to Wheeling, from whence the boat is immediately to return. You will make returns from whichever of the places above mentioned at which you take post, as frequently and regularly as possible, and correspond with me, or the officer commanding here, and take notice of all casualties, and every information respecting the savages you may receive; and, should any important intelligence reach you, you will please to communicate the same to the Secretary of War.

General St. Clair to Captain John Armstrong.

Fort Washington, *December* 7, 1791.

Sir:—I have been favored with your letter of the 4th instant. I am not sorry that you did not send my letters for Fort Jefferson by express; they are of a private nature, and may go at any time.

I am sorry for the mistake that has happened in your clothing, but the shirts and shoes of the public clothing that are at your post are intended for the garrison of Fort Jefferson, and must go on with the next escort, which will leave this place in a few days. There ought to be ninety-six complete suits. When the command returns, they will bring back the remaining articles of it; but there is some clothing, also, that was intended for the levies, but is properly the property of Colonel Darke. He has given Mr. Hodgdon directions about it, and some part of it is intended for Fort Jefferson also. Mr. Hodgdon will inform you of the quantity, and you will please to send it on and the rest back here, as he may request. This is giving you trouble, and out of your way, but when you know it is for the more comfortable accommodation of the poor wounded soldiers there, you will think nothing of it.

It was my intention that your command at Fort Hamilton should be certain, and I very much approved of your having your company with you. Detachments, when they can be avoided, is a bad way of making up commands, but I can not interfere with the case of the barber. I dare say, on your own application to Major Zeigler, he will be sent to you.

I have informed Major Zeigler that the command of Fort Hamilton has been committed to you, and in the execution of it I know not any thing that is necessary to give you particularly in charge. Your love of order and discipline renders it entirely unnecessary to say any thing with respect either to the police of the garrison or the care of the men; and should you be attacked, I am confident that you will well defend yourself, and you will have an ample supply of provisions. One thing, however, I request you to send small parties, from time to time, to make discoveries, and establish, if you can, some mode of communicating with Fort Jefferson and this place.

You observe that Mr. Wade is your ensign. He has lately been appointed an adjutant, and consequently can not join you; but as it is necessary that you should have two subalterns, I have directed Major Zeigler to give you another. When he arrives, I can have no objection to your coming to Fort Washington for a short time, and I know you would not choose to make it otherwise. Some artillerymen will be sent you; but, alas! we have none who have any thing more than the name.

I am still very much afflicted, and have been abroad but three times since my arrival; nevertheless, I propose to set off for the Atlantic country to-morrow.[1]

---

[1] Governor St. Clair remained at Philadelphia for some months. The year 1791 being devoted to military movements, and the country being in a continual state of alarm, little was done necessarily in the civil line. The manuscript journal of Secretary Sargent shows, however, that nothing was neglected that was necessary to the welfare of the inhabitants.[1]

---

(1) GENERAL ORDERS.

1791, March 6th.—1. Returns of militia, with report of the arms, etc., to be made to the secretary as soon as possible.

2. Commanding officers of counties will apportion the militia to their several fortresses, and, upon the firing of one cannon or three muskets, they are instantly to repair to their alarm posts; and all firing of guns within one mile of any of the fortifications (except for defense or the purpose of alarm and under proper authority) is hereby most positively prohibited, without previous permission from the officer commanding.

3. At the beating of the reveille, every man enrolled in the militia, and within any of the fortifications, is to appear upon the parade with his arms and accouterments, ready for military service and the orders of the commanding officer. Nothing but sickness to exempt a man from this duty.

4. A patrol is to be sent out every morning from the fortifications in the different settlements, and no person to be suffered to pass out till their return, unless for military purposes, and by order of the commanding officer.

The fatal effects of a surprise have been so recently impressed upon every mind that the utmost vigilance is expected.

The General Government seems disposed to afford us most ample protection, but as the means can not be brought into immediate effect, our defense and safety must for the present depend upon ourselves. With arms in our hands, and equal numbers, we have nothing to fear in any situation. Under cover of the works that have been erected, we may bid defiance to the combined efforts of our enemies; but it is in the fields, unarmed or of unequal force, that we are exposed.

To guard as much as possible against all danger, it *must* be the utmost, invariable practice, upon leaving the fortifications, *even* for the shortest distance, to take our arms in our hands, for experience has convinced us that the Indian will conceal himself at our very doors. In the fields alone and at labor, men would at this time be most wantonly sporting their lives. They should work in large parties, armed, and with sentinels always posted out. This will deserve and insure security, while a contrary line of conduct may deprive us of many good soldiers and valuable members of community.

April 29th.—Governor St. Clair arrived at Marietta.

I wish you, sir, a happy command.[1]

GENERAL KNOX TO GENERAL ST. CLAIR.

WAR DEPARTMENT, *December 23d*, 1791.

Sir:—I have received your letter of the 9th of November, by the way of Lexington, and yours of the 17th by Mr. Denny. Your misfortune, to be sure, has been great and unexpected. But, sir, it was one of those incidents which sometimes happen in human affairs, which could not, under existing circumstances, have been prevented. The event and the gallant men are to be regretted. But the mind, instead of being depressed, must be braced to prepare an adequate remedy. In devising measures to this end, I should have been happy had your health and other circumstances permitted that you had repaired here even earlier than your intimations.

---

[1] The original letter is in the possession of L. J. Cist, Esq., of Cincinnati.

April 30th.—Winthrop Sargent was commissioned Colonel of the militia of the Territory.

May 1st.—The Governor left for Kentucky.

May 2d.—The Secretary commissioned Dudley Woodbridge Register of Deeds for Washington county, and Benjamin Ives Gilman as Clerk of Court of Probate, *vice* Enoch Parsons, resigned.

May 6th.—All persons between the ages of fifteen and fifty ordered to be enrolled as militia, and the following appointments made for the Second regiment of Washington county: Major—Isaac Guion. Captains—John Rome, Francis D'Hebecourt, and Antoine B. Duc. Lieutenants—Jean Baptiste Le Tailleur, Edward Thony de la Fosse, and John Louis Maldant. Ensigns—Alexander Chevalier Noel, B. Marwell, and Claud Romain Mesuager. Adjutant—J. L. Maldant. These for Gallipolis.

May 7th.—Following appointments made at Gallipolis: Judge Court of Common Pleas and Justice of the Court of Quarter Sessions—John Gilbert Petit. Justices of the Peace—Augustin Le Clercq and Jean Michan. A commission was issued to Benjamin Tupper, Joseph Gilman and John G. Petit to hold the Court of Common Pleas in county of Washington, and with them were joined Isaac Peirce and Thomas Lord to hold the Court of General Quarter Sessions of the Peace.

May 21st.—Hippolitus, Viscount of Malartie, appointed Lieutenant Second regiment of Washington county.

May 24th.—At Cincinnati, William Burnet, gentleman, appointed Register of Deeds.

June 23d.—John Blanchard, gentleman, appointed Clerk to the Legislature.

August 12th.—Governor St. Clair, at Cincinnati, appointed Henry Vanderburgh Judge of Probate and Justice of the Peace for Knox county. A new commission was issued for holding county courts in that county to Pier Gamelin, James Johnson, and Henry Vanderburgh, being named therein, and Antoine Gamelin omitted, he having left the Territory.

December 12th.—The Secretary appointed Oliver Spencer, Lieutenant-Colonel; Brice Virgin, Captain; and John Bowman, Ensign of the First regiment of Hamilton county.

December 14th.—George McCullom commissioned Justice of the Peace for Hamilton county.

December 27th.—Military appointments made as follows: Captain—Levi Woodward. Lieutenants—John Vance and John Wallace. Ensign—Isaac Freeman. Ensign Kibby was promoted to be Lieutenant, vice Scott Traverse, resigned.

LAWS PASSED, 1791.

1. Supplementary to a law entitled, "A law respecting crimes and punishments." [*Pub. June* 22.]
2. For the punishment of persons tearing or defacing publications set up by authority. [*Pub. June* 22.]
3. Creating the office of Clerk of the Legislature. [*Pub. June* 22.]
4. For rendering authentic as evidence in the courts of the Territory the public acts, records, and judicial proceedings of courts of the United States. [*Pub. June* 22.]
5. Abolishing the distinction between the crimes of murder and petit treason. [*Pub. June* 22.]
6. Regulating the inclosures of grounds. [*Pub. June* 29.]
7. To alter and amend the militia laws. [*Pub. July* 2.]

Be assured, sir, that however great the defeat, that both your reputation and the reputation of the troops under your command, are unimpeached. The fact seems to be pretty well ascertained, by way of Detroit, through different channels of communication, that you must have had opposed to you 2,500 Indians. If this should prove true eventually, a consolation would at least arise that you were beaten by superior numbers, I enter not into particulars, as it is probable you will soon be here, and even this letter may miss you.

GENERAL ARMSTRONG[1] TO THE PRESIDENT.

December 23, 1791.

Who could doubt, who knows the abilities of the first officers of that army, that the only successful mode of coping with Indians in a forest had not been preconcerted over and over long before that day. The partial or momentary advantage, gained by the flanking parties only, as I apprehend, with screwed bayonets, would easily discover the error of the former arrangement; but alas, it was then too late, either to devise a new one or change the old for a better. Placing the militia in a body over the brook, permit me to say, was an unwarrantable step, when two or three small pickets would have served a better purpose. It seems probable that too much attachment to regular or military rule, or a too great confidence in the artillery (which, it seems, formed part of the lines, and had a tendency to render the troops stationary), must have been the motives which led to the adopted order of action. I call it adopted, because the General does not speak of having intended any other, whereby he presented a large and visible object, perhaps in close order, too, to an enemy near enough to destroy, but from their known modes of action comparatively invisible; whereby we may readily infer that five hundred Indians were fully sufficient to do us all the injury we have sustained, nor can I conceive them to have been many more. But, tragical as the event has been, we have this consolation: that, during the action, our officers and troops discovered great bravery, and that the loss of a battle is not always the loss of the cause. In vain, however, may we expect success against our present adversaries without taking a few lessons from them, which I thought Americans had learned long ago. The principles of their military action are rational, and, therefore, often successful. We must, in a great degree, take a similar method in order to counteract them.

---

[1] General John Armstrong the hero of Kittaning, and recognized at the time as the highest authority on Indian warfare. His tribute of praise is as just as his criticism. It is safe to accept his judgment as final so far as the campaigns against the Indians, in 1790 and 1791, are concerned. The neglect of the quartermaster-general forms another chapter, and a very disgraceful one.

As the best of men are liable to mistakes, shall we lay all the blame of this heavy misfortune to the score of natural causes, and our half surprised and mangled army? No, verily; for, if we do, the last error will be greater than the first. No, sir; the people at large, in behalf of whom the action was brought on, are more essentially to blame, and lost the battle. An infatuating security seemed to pervade the minds of all men amongst us. We pondered not sufficiently the nature and importance of the object.

GENERAL ST. CLAIR TO THE SECRETARY OF WAR.

PHILADELPHIA, *January* 22, 1792.

Sir:—To the letter of the 9th November, which I had the honor to address to you from Fort Washington, a postscript was added relating to information communicated by Captain Slough to General Butler, and not imparted by him to me, and that did not come to my knowledge till after the army had got back to that fort. As the nature of the information was not mentioned, the postscript must have appeared mysterious, and it is proper that I should explain it. Captain Slough was intended to have been the bearer of the letter (and it was so indorsed upon the corner), therefore I thought it needless to insert the particulars, and had he presented it to you, no doubt, sir, you would have inquired into it fully, and all ambiguity would have ceased; but, at the moment he should have set off, some account of the situation of Colonel Gibson, who is his uncle, induced him to delay his journey, and the packet was put into the hands of another person then going to Lexington. You will be pleased to recollect that it was stated in that letter, that on the night preceding the 4th October, the militia were in advance of the most of the army. For greater security, and to intercept any small parties of Indians which might be approaching with predatory view, it was thought fitting that a party of regular troops should be advanced from a quarter to a half of a mile from the militia. The party was taken from the right wing which formed the front line, then under the immediate command of General Butler, and Captain Slough was the officer ordered out by him for those purposes. In the night, it seems, he discovered the Indians approaching in such numbers that he thought it necessary to draw in his party, and immediately made report of what he had discovered to General Butler, from whom he received his orders. He proposed to the general to make the same report to me, but General Butler replied to him that, as he must be fatigued, he had better lie down to sleep, and that he would himself give me the information. This is, as nearly as I can recollect, the account that Captain Slough gave me at Fort Washington.

The orders given to Colonel Oldham, mentioned also in the postscript as not executed, were that he should send out from his command, an hour at least before day, and as much earlier as possible, four or five parties of twenty men with an officer, to take different directions, to make discoveries. I was very anxious on this point, and not without doubt that it might not be practically attended to. Therefore, about the dawn of day, but rather before it, the adjutant-general was sent to Colonel Oldham, that I might be certain of that precaution having been taken. Colonel Oldham was met by him at some distance from his encampment, and informed him the parties were not then gone out, but would be dispatched the moment he returned. Unhappily he never returned.

GENERAL ST. CLAIR TO HON. THOMAS FITZSIMMONS.

PHILADELPHIA, *January* 23, 1792.

Sir:—The communications which have been made to the committee by the Secretary of War and Mr. Hodgdon seem intended to give a new turn to the inquiry, and present themselves to my mind not as a justification of themselves from any share they or either of them may have had in producing the misfortunes of the last campaign, but a combined attack upon me personally. It would be improper in me to obtrude upon the committee any observation I may think proper to make upon those communications in that point of view. But, as it has been remarked, some part of the report of the committee respecting Mr. Hodgdon particularly may have been drawn from the information contained in my official letters to the Secretary of War, the truth of which information is denied, it is incumbent upon me to show to the committee, as far as it is in my power to show it, that the information I gave was well founded. To that end I would request that Captain Sedam and Captain Kirsey, who are, I believe, at New Brunswick, in New Jersey, may be summoned as witnesses, and General Harmar and Major Zeigler, who are in this city. Those are the only persons I can recollect at present who were at Fort Washington at the time I arrived there who are within reach, and the use I mean to make of this testimony is to fix what was the general opinion in the army with respect to Mr. Hodgdon as quartermaster, and the great share of toil, trouble and vexation that fell upon me from his absence. I mention the use which is to be made of it, because if these points are thought to be sufficiently established already, I would dispense with Captains Sedam and Kirsey, on account of the trouble the journey must unavoidably give them. I would also request that the committee would be pleased to ask from the War Office the communications from Colonel Mentgez as inspector, after I assumed the command at Fort Washington.

GENERAL ST. CLAIR TO THE PRESIDENT.

[Private.] PHILADELPHIA, *February* 24, 1792.

Sir:—I take the liberty to inclose for your perusal the draught of a letter which I propose to address to you on the subject I had the honor to mention to you a few days ago.

You will perceive that the letter is intended to be published, and it is for that reason I have presumed to lay it before you in this manner, and I have to beg the favor that, should there be any sentiments in it, or any thing in the manner of expressing them that you disapprove of, you would be pleased to mention, that they may be suppressed or altered before it be too late.

I am not perfectly sure of the ground I have taken upon this occasion, but I am sure the measure has proceeded from a delicacy of respect, and an earnest desire to avoid the giving you the smallest dissatisfaction, and to approach you in my private character is a liberty which you were pleased to grant me.

MAJOR E. M. BUTLER TO GOVERNOR ST. CLAIR.

[NO PLACE OR DATE], 1792.

Sir:—Your communications to the Secretary of War on the subject of the late campaign, imply so unjust an imputation on the memory of the deceased General Butler that I, as a brother and a friend [out], find myself disagreeably obliged to address you on the occasion. I flatter myself I have only to mention the circumstance in order to bring to your recollection what, in the hurry of business, must have escaped, to induce you to wipe the unmerited stain from a character who, when living, thought highly of your Excellency's friendship.

On the evening preceding our action, I mentioned (in consequence of some observations I had made) to the adjutant-general the policy of a small detachment being sent to ambuscade on the Indian path the parties who might be stealing horses. He mentioned it immediately to your Excellency, who approved the idea, and was so polite as to allow me the mere honorary honor in turning it out, not to exceed thirty or forty men. In consequence of this, I put out Captain Slough with his party. I gave him his orders and the countersign, nor did I ask General Butler (after receiving my orders) that night, or give him the smallest advice of such a party's having been detached. I am well convinced General Butler had no official information on this subject until a few minutes previous to the action commencing.

Your Excellency will see from these facts that General Butler did not find out Captain Slough, nor give him his orders; and of course, if Captain Slough had made the report in question, it was not official, nor was he in any way accountable; but I have so far investigated the matter as to be assured myself that Captain Slough never made such report, and, if necessary, expect in a short time to prove it to the satisfaction of the parties interested, should your Excellency refuse the friends of General Butler that justice which his merits deserve.[1]

GENERAL ST. CLAIR TO MAJOR EDMUND BUTLER.

PHILADELPHIA, *March 3d*, 1792.

Sir:—I have, post before last, received a letter from you without date, on the subject of my official communications to the Secretary of War, by which you say unjust harm is fixed on the character of the deceased General Butler, who, when living thought highly of my friendship, and you expect that from the statement you have made, that I shall be induced to wipe it off, otherwise, as a brother and friend, you must apply to the public.

---

[1] The contrary was proved.

How General Butler, when living, estimated my friendship, I do not know; but I very well know that he had good reason to set some value upon it, because in the course of a considerable number of years it had been unremitting and useful to him, and was, as far as I had opportunity, extended to all his connections. It, therefore, gives me some surprise that one of his brothers, who, I think, could not be ignorant of those circumstances, should suppose that in the moment almost of his decease, I would attack his character. This supposition implies an inconsistency on my part that I have not been used to give examples of, and I should have thought that you knew enough of me to believe I was not apt to detract from the reputation of any person living or dead.

You are mistaken in supposing that the hurry of business led me into any mistake, excepting it might be this one, that in giving you directions about the party it did not occur to me that it was the left wing of the army, and not the right, to which you acted as Brigade Major—a mistake I fell into oftener than once, and owing, I suppose, to the circumstance that I had requested General Butler to give you that appointment. It was my intention that you should have commanded the party, as it seemed to be your wish, but recollecting your situation as Brigade Major, it was improper that you should be detached; neither was it proper that any thing respecting the right wing should have been given in charge to you. It does not follow that because you did not see General Butler (after receiving your orders) that night, that I did not see him, and whether you consider the information he got official or not, will not make any difference in the case, and you may be assured that I can prove, in the most unequivocal manner, that the party was formed close by his tent, and that the officer did receive his orders from him. Whether General Butler received from Captain Slough the information which I have stated to the Secretary of War rests with Captain Slough. I presume it will not be doubted that such information was given to me. It was my duty to make the communication, and it was done in a manner the most delicate I could think of, for I not only avoided the inserting it in the body of my letter, which would have rendered the publication of it inevitable, but I did not even detail it, leaving it to a personal explanation with Captain Slough, and the Secretary to judge whether to publish it or not. It was unfortunate that he did not go forward as was expected.

With respect to an appeal to the public, sir, I have only to observe that the imprudence of some persons who have come forward already as General Butler's friends, but who are in fact no friends, either to his memory or to me, will, I believe, render it necessary that every transaction of the campaign be laid before the public, when many things that gave me much pain at the time, and that would, as things happened, have been buried in eternal silence, must be brought to view. For the consequence, it is they and not I that will be responsible.

TOBIAS LEAR[1] TO GENERAL ST. CLAIR.

SUNDAY MORNING (*without date*) 1792.

Dear Sir:—The President, recollecting an engagement which he has at ten o'clock to-morrow morning, requests you will be here at *eight*, instead of nine o'clock, as was proposed, in order that he may be at liberty to comply with his engagement at ten.

P. S.—You will take breakfast with the President, if convenient.

GENERAL ST. CLAIR TO THE PRESIDENT.

PHILADELPHIA, *March* 26, 1792.

Sir:—I beg leave to offer my unfeigned thanks for the honor conferred upon me by the appointment to the command of the army of the United States the last campaign; though that campaign was unfortunate, I am not conscious that any thing within my power to have produced a more fortunate issue was neglected. As I was prompted to accept that command by no motives of either ambition or interest, but by a fervent wish to be of service to my country, and a belief, perhaps too fondly entertained, that I could be so, that

---

[1] Private Secretary to President Washington, and so highly esteemed by him as to be remembered in his will. Mr. Lear was born at Portsmouth, New Hampshire, September 19, 1762. He was graduated at Harvard University. In 1801, he was appointed Consul-General at San Domingo; and from 1804 to 1812, was Consul-General at Algiers, and was commissioned to conclude a peace with Tripoli. Died October 10, 1816.—*Drake's American Biog.*

I am led to decline it in future, proceeds neither from disappointment nor disgust. Having been much afflicted with sickness during nearly the whole of the last campaign (though I flatter myself the public interest did not suffer by it), and although my health is now tolerably restored, my constitution has received a very severe shock, and I might not again be able to go through the weight of business which necessarily follows the command of an army. While I am persuaded that every thing was done in the course of the last campaign that could be done, on my part, to answer the public expectation fully, yet it is denied by some, doubted by many, and known to but few out of the army. A wish to rectify the public opinion, and a duty that I conceive I owe to myself, induces me to request that an inquiry into my conduct may be instituted. When that is over, I may hope to be permitted to resign the commission of Major-General which I now hold. Should the result of the inquiry be that in any instance the duties of my station were neglected; or that I did not improve every hour and every opportunity to the best advantage; or that the operations of the army, after it was in a condition to operate, were delayed one moment in consequence of my illness, I shall patiently submit to the merited censure. To whoever may be appointed my successor, I shall be happy to give every light and information my situation as General of the army and Governor of the Western Territory put it in my power to obtain, and to evince to you and to the world that the confidence you were pleased to repose in me was not misplaced.

With every sentiment of gratitude, of respect, and, allow me to add, of affection, I have the honor to be, etc.

President Washington to General St. Clair.

United States, *March* 28, 1792.

Sir:—Your knowledge of the country north-west of the Ohio, and of the resources for an army in its vicinity, added to a full confidence in your military character, founded on mature experience, induced my nomination of you to the command of the troops on the frontiers.

Your desire of rectifying any errors of the public opinion relative to your conduct, by an investigation of a court of inquiry, is highly laudable, and would be readily complied with were the measure practicable. But a total deficiency of officers, in actual service, of competent rank to form a legal court for that purpose, precludes the power of gratifying your wishes on the occasion.

The intimation of your readiness to afford your successor all the information of which you are capable, although unnecessary for my personal conviction, must be regarded as an additional evidence of the goodness of your heart, and of your attachment to your country.

[*Private.*—While I accept your resignation for the cause you state, I sincerely regret the occasion. I fervently hope that your health may be perfectly re-established, and that you may enjoy uninterrupted happiness.][1]

General St. Clair to the President.

Philadelphia, *March* 31, 1792.

Sir:—I have had the honor to receive your letter of the 28th instant. While I lament that circumstances prevent an investigation into my conduct by a court of inquiry, I can not but acquiesce in the reasons you have assigned why it can not take place, and I beg leave to present my thanks for the desire to have gratified me, had it been practicable, which you have been pleased to manifest..

In my letter of the 26th, I expressed my intention of retiring from the army when the inquiry should be over. The only reason I had for wishing to retain my commission until that time was, that if any misconduct should appear in the course of the inquiry, I might be amenable to a court-martial, which a resignation would have precluded. The House of Representatives, sir, have directed an inquiry into the causes of the failure of the last campaign to be made by a committee of their own body. The same reason that influenced me when a court of inquiry was contemplated, operates now with equal force, and, therefore, it may be proper that I should still retain my commission, but, as it will soon be requisite that some person should be at the head of the army who is to continue to command it, it is necessary that I should inform you explicitly, which I now do, of my fixed resolution to resign the moment the inquiry is finished, should no fault be found that any embarrassment which may exist with respect to providing a successor for me may be removed.

Be pleased, sir, to observe that my sole object is to give effect to public justice, in the usual way, by a court-martial, should it appear that, *in any manner whatsoever*, the misfortunes of the last campaign can be attributed to me, and it is the proper, and, I believe, the only tribunal where military crimes and misconduct can be inquired into and punished, or where an officer's reputation, infinitely dearer than life, can be vindicated.

---

[1] The paragraph within brackets was written below the signature and a line drawn around it.

Should the public service, however, require that another officer of the same rank with me be appointed immediately, I am ready to make the resignation forthwith, notwithstanding that it may seem to proceed, and, at a distance, will be supposed to have arisen from a sense that the volume of calumny and defamation, invented by malice, which is daily pouring from the press into the public ear, has too much foundation for me to meet it—that I shrink from the consequences and choose to shelter myself in a private station. I am ready, sir, upon this, as I have been upon others, to sacrifice every private and personal feeling and consideration to the public good.

PRESIDENT WASHINGTON TO GENERAL ST. CLAIR.

UNITED STATES, *April* 4, 1792.

Sir:—I have read and duly considered your letter of the 31st ultimo.

The reasons you offer for retaining your commission until an opportunity should be presented, if necessary, of investigating your conduct, in every mode prescribed by law, would be conclusive with me, under any other circumstances than the present.

But, the establishment of the troops allows only one Major-General. You have manifested your intention of retiring, and the essential interests of the public require that your successor should be immediately appointed, in order to repair to the frontiers.

As the House of Representatives have been pleased to institute an inquiry into the causes of the failure of the late expedition, I should hope an opportunity would thereby be afforded you of explaining your conduct in a manner satisfactory to the public and yourself.

GENERAL ST. CLAIR TO THE PRESIDENT.

PHILADELPHIA, *April* 7, 1792.

I have had the honor to receive your letter of the 4th instant. Although I was very desirous, sir, to hold my commission of Major-

General until the inquiry by the committee of the House of Representatives should be over, for the reasons which I assigned, and which you are pleased to think have some weight, yet the necessity of the officer being appointed who is to command the troops, in order to his repairing to the frontier, is certainly pressing and ought to silence with me every wish of a mere personal nature. I do, therefore, now formally resign the appointment of Major-General.

I have never entertained a doubt that an inquiry into the causes of the failure of the late expedition, whether directed particularly to my conduct or to that connected with other causes that may have operated, in whatever way it might be conducted, would prove honorable to me, and satisfactory to the public as far as I was conconnected with it, but setting, as I do, a due value upon the public opinion, and desirous not to lose that place in the esteem of the virtuous and intelligent of my fellow-citizens, which I have long held, you will not wonder that, under existing circumstances, a degree of anxiety, not only that an inquiry should be made, but that every thing capable of being misconstrued should be avoided on my part. I will own to you, sir, that the desire of honest fame has ever been the strongest passion in my breast. I have thought that I had merited it, and it is all I have to compensate me for the sacrifice of a very independent situation and the last years of my life devoted to the public service, and the faithful application of my talents, such as they were, in every situation in which I have been placed, with a zeal bordering upon enthusiasm. I trust, sir, I shall yet enjoy it, while those who have attempted to disturb it will be forgotten, or remembered with indignation, and, in their bosoms, if they have feeling, sensations may arise, something similar to what Milton has described to have seized upon Satan, when he discovered our first parents in Paradise.

REPORT OF A SPECIAL COMMITTEE OF THE HOUSE OF REPRESENTATIVES ON THE FAILURE OF THE EXPEDITION AGAINST THE INDIANS.

March 27th, 1792.

Mr. Giles, of Virginia, introduced a resolution requesting the President to institute an inquiry into the causes of the failure of the expedition against the Indians in the fall of 1791; "and also into the causes of the detentions or delays which are suggested to have attended the money, clothing, provisions, and military stores, for the use of the said army, and into such other causes as may, in any manner, have been productive of said defeat."

This led to an animated debate, during which party spirit was displayed. It was finally suggested by Mr. Fitzsimmons, of Pennsylvania, that it was improper to request the President to institute a Court of Inquiry. "The reasons and propriety of such courts are better and more fully known to the President than to the members of the House." He was in favor of a committee of inquiry relative to such objects as come properly under the cognizance of the House, and if the resolution were defeated he would move the appointment of such a committee. Mr. Giles's resolution was rejected, and the following resolution offered by Mr. Fitzsimmons was adopted:

> *Resolved*, That a committee be appointed to inquire into the causes of the failure of the late expedition under Major-General St. Clair; and that the said committee be empowered to call for such persons, papers, and records, as may be necessary to assist their inquiries.

The committee appointed under the resolution consisted of Mr. Fitzsimmons, Mr. Giles, Mr. Steele, Mr. Mercer, Mr. Vining, Mr. Clark, and Mr. Sedgwick.

The committee entered upon the discharge of their duty immediately, and gave notice to the Secretary of War, and to Major-General St. Clair, to attend. After a very minute and laborious investigation extending throughout the session, during which many witnesses were examined, the committee came to a *unanimous* agreement, and made report to the House, of which the following extracts cover the essential points:

[The report first relates that a contract for supplies was made by the Secretary of the Treasury with Theodosius Fowler, who gave bond in the sum of one hundred thousand dollars for the performance of the contract; that January 3, 1791, the contract was transferred from Fowler to William Duer, but that notice of the transfer was not filed in the Treasury Department until the 7th of April, and that the Secretary of the Treasury refused to recognize Duer other than as the agent of Fowler; that the Secretary of War, who alone appears to have been the agent on the part of the United States, in all things relating to the execution of the contract, always corresponded with Duer as contractor, and on the 26th of April he entered into a contract with the said Duer for supplying the troops with provisions until their arrival at Fort Pitt, for the execution of which Duer gave a bond in the sum of four thousand dollars without security. The report also relates that no money for purchasing supplies was furnished at Carlisle, which was the place of rendezvous for the enlisted soldiers, down to a day as late as the 9th of May; and that the agent of the contractor was actively engaged in furnishing supplies for the troops on credit.]

It appears from the correspondence of General Butler to the Secretary of War, from the 9th of May to the 9th of June, repeated complaints were made of fatal mismanagement and neglects in the quartermaster's and military stores departments, particularly as to tents, knapsacks, camp-kettles, cartridge-boxes, pack-saddles, etc., all of which articles were deficient in quantity, and bad in quality.

The pack-saddles particularly, were made in Philadelphia, which, with the transportation, amounted to more than double the price at which they might have been procured at Fort Pitt, and many of them were found, upon examination, to be unfit for use; a few of the smaller ones only were used.

It appears that a great proportion of the powder supplied for the use of the army was not of good quality, though an experiment was made by Major Ferguson at Fort Pitt with a howitzer, who reported in favor of the quality of the powder.[1] On the 9th of June, General Neville, another of the contractor's agents, informed General Butler that he had not at that time received any moneys from the contractor for the purchase of provisions, etc., for the troops, and was obliged to supply them on credit, that the country furnished provisions in abundance at a cheap rate when money was had for the purchase. That shortly after this information was communicated to General Butler, at his request four hundred dollars were advanced to General Neville by the quartermaster for the purchase of provisions for the troops.

It appears that General Butler had orders from the Department of War, to protect the frontiers with the troops under his command, and that the delays in sending the troops forward from Fort Pitt, arose partly from that circumstance and partly from the temporary want of supplies of provisions and other necessaries, and from want of the necessary boats for their transportation, which were not in readiness so soon as the troops were; it appears that General Butler acted with ability, activity, and zeal, in his command at Fort Pitt, and that the delays of the troops there can not be imputed to his want of judgment, or his want of exertion.

The troops met with considerable difficulties and delays in going down the river, from the low state of the water.

---

[1] On descending the river the boat containing the powder was sunk for a considerable time, which greatly damaged it. The experiment at Fort Pitt, of course, was made before this accident.

The army, consisting of about two thousand non-commissioned officers and privates, moved from Fort Washington, by orders from the Commander-in-Chief, to a place five or six miles from thence, called Ludlow's Station, where they continued till the 17th of September, at which time the whole army amounted to about two thousand three hundred non-commissioned officers and men fit for duty.

Mr. Hodgdon was appointed quartermaster-general in the month of March, and continued at Philadelphia until 4th of June; he then proceeded to Fort Pitt, where he arrived the 10th of the same month; and where he remained until the 26th of August; no sufficient causes have appeared to the committee to justify this delay, and his presence with the army appears to have been essentially necessary previously to that time; the duties of the Commander-in-Chief were much increased in consequence of the absence of the quartermaster-general, and after a continued expectation of his arrival at Fort Washington, for more than six weeks, the Commander-in-Chief gave him express orders, by letter, to repair to camp without delay.

The receipt of the letter is acknowledged, but the orders contained therein were neither answered nor obeyed, and his arrival at camp was not until the 10th of September. The Commander-in-Chief, until that time, in addition to the duties of his office, discharged those of the quartermaster-general,[1] and the military stores

---

[1] EXTRACT FROM THE TESTIMONY OF GENERAL HARMAR.

He was not with General St. Clair on the expedition; was at Fort Washington when the general arrived; heard numberless complaints among the officers of the ill conduct of Mr. Hodgdon, the quartermaster, and of his not being forward at headquarters, and the trouble that General St. Clair was unavoidably subjected to by his absence. Is of opinion that the arrangements of Mr. Hodgdon, after he did arrive, were ill-judged and defective. These deficiencies, he understood by conversing with the officers, left Fort Washington 25th or 27th October, one thousand seven hundred and ninety-one. These discontents were frequent among the officers, and from his own observations he judged of the bad arrangements of Mr. Hodgdon, particularly the tying up the horses to the fences; cavalry were suffering for want of forage, which the fences showed, as they eat the fences both before and after the arrival of Mr. Hodgdon; heard Major Ferguson complain of the quartermaster about the trouble he gave him in his department. The complaints of the officers were want of forage, smallness of tents, badness of pack-saddles, and many other articles. Remembers he heard Major Ferguson inveighing bitterly against the quartermaster's conduct. Took notice

furnished by that department were so deficient from mismanagement

---

of the tents being very bad; the flanks were of Russia sheeting, and the ends of crocus, or osnaburg; were very small, and could not, in his opinion, keep out the rain. The clothing of the levies was miserable indeed; great disparity between the clothing for the regulars and that for the levies, the latter was not half so good in quality; heard great complaints by sundry officers of the levies. The increased toil of the general, he understood from the officers, was on account of the absence of the quartermaster. Did not hear Major Ferguson complain particularly of the trouble he had in repairing arms, but heard him complain loudly against the quartermaster for the trouble he gave him in his particular department; heard his complaints, particularly of the pack-saddles, saying that they were large enough for elephants; did not hear any observations on the powder while at Fort Washington, but has heard complaints of it from the officers since.

EXTRACT FROM THE TESTIMONY OF MAJOR ZEIGLER.

He arrived at Fort Washington about the 20th of June, and continued until he went on the expedition. General St. Clair arrived on the first, second, or third of May. Remembers well the uneasiness among the officers on hearing of Hodgdon's appointment of quartermaster to the army, as they were well acquainted with him, and knew him to be totally unfit for such a business. That the arrangements which were taken by him proved the event at an early period, as almost every step taken by him was deficient, ill-judged, and increased the disgusts and complaints in the army. That from the long delay in the quartermaster's arrival, they were in hopes that, when he did arrive, he would come well prepared, but that when he did come his arrangements were extremely defective, which increased the complaints and disgusts of the army, but he seemed generally busy, but did nothing. That the pack-saddles were too large, and complained of by Major Ferguson, who seemed extremely uneasy on that account; and, indeed, they were condemned by every officer who had been conversant with that business. That the tents were truly infamous, the ends being made of crocus; that, by reason of this, a great number, indeed many hundred dozens of cartridges were destroyed, and the troops, not being kept dry, were sick in great numbers. That there were some few good tents which were of the old stock on the former expedition, and that the difference between those tents and these furnished for the expedition was obvious to every person. That the clothing for the levies was infamous, as many who arrived at Fort Washington were almost naked. That the powder was proved from his own experiment, as he tried it and found it extremely weak; that it would not carry a ball but a small distance comparatively with genuine powder. That the axes were too soft, and when used would bend up like a dumpling; that in consequence of the badness of the axes he purchased a good one for himself, at his own expense. That as to the hospital stores, particularly the wine furnished was extremely bad. When General Wilkinson arrived, he made particular inquiry about the state of the arms and of the hospital stores, and required a particular return from the different officers who su-

and neglect, that many things essential to the movements of an

---

perintended each department; after this none of the bad wine was issued; although there was some good found, none was issued to the sick. That after General St. Clair arrived at Fort Washington, the shops were repaired and some new ones built; that those pieces particularly that had been in General Harmar's expedition, had new wheels made and new carriages altogether. He did not think there was any fixed ammunition but what was made up at Fort Washington, as he was informed by Major Ferguson, who superintended the laboratory; that there might have been some small quantity brought in boxes, but how much he knows not. That the fixing ammunition requires considerable time and knowledge in the business, and every soldier is not fit for it; that he was told by Major Ferguson that boxes were too open for the transportation of fixed ammunition, and that kegs are the only things proper, as they were tight and waterproof; that they were made at Fort Washington; that the boxes, slings, etc., for the balls and shells for ordnance, were also made at Fort Washington. That he frequently noticed General St. Clair the first up in a morning, going from shop to shop to inspect the preparations, and that he seemed very uneasy at the delay in different preparations that were necessary for the campaign. That to his knowledge, the shells were fixed at Fort Washington; also, wheels for the carriages and the carriages themselves, and many other things he can not recollect. That raw hides were cut up to make lashings and other uses, as also, ropes were made, about which business a number of hands were employed. That he particularly remembers that, before the troops arrived at Fort Jefferson, and on the march, that he was sent forward to view the encamping ground pitched on by the quartermaster; the ground had been marked out by him, and it was so executed that even the soldiers laughed at it; that there was not even a single eminence that could guard the army occupied, and the greatest part was contained in a valley; that it was then too late to change the ground, and the army remained there that night; that, in consequence, the out picket was strengthened by fifteen men until about eight o'clock next morning; that the whole had orders to be ready in case of danger, an hour before day. I think, from my own experience, I never saw such a degree of trouble thrown on the shoulders of any other general that I have served with, as upon General St. Clair, from the absence of the quartermaster, and the preparations that were necessary to be made in his department, in order to be able to take the field in season; that, in his opinion, it was well for the quartermaster that he served in a republican government.

He conceives that the delay in marching from Ludlow's Station was occasioned by the difficulty in clearing the road, in making bridges, etc.; one day the army marched but a mile and a half; added to this, there was so small a stock of provisions on hand that, had the army moved on, they must have eaten their fingers; that the men were frequently at half allowance, and the quartermaster was sent back to hurry it; that the army was obliged to wait frequently for provisions, at Fort Jefferson two days. That the general, in his opinion, always showed a zeal to accomplish the objects army were either wholly made or repaired at Fort Washington, and even the tools for the artificers to work with. The quartermaster particularly informed the Commander-in-Chief that two complete traveling forges were sent forward, and upon examination both of them were found to be without an anvil; many other things, equally necessary, were either wholly omitted, or unfit for their intended use. The Commander-in-Chief appears to have been correct and attentive in all his communications with the Secretary of War, and to have discharged the various duties which devolved upon him with ability, activity, and zeal.

The army moved from Ludlow's Station on the 17th day of September, and arrived at the place, where Fort Hamilton is now erected, on the —— day of September; they employed about fifteen days building that fort,[1] and then proceeded in their march to the

---

of the expedition. That, in his opinion, the works at the different forts could not have been built with greater expedition than they were on General St. Clair's march. Even the officers showed a pride in working with the men, in order to expedite the work. That Major Ferguson frequently complained of the want of almost every kind of intrenching tools, particularly axes; and frequently there was only one axe to three men, so that, consequently, two must look on and only work by turns.

[1] People of the present day know little of the hardships attending the cutting of roads through a heavily timbered country for an army to march, and the labor incident to the construction of a stockade fort. On this expedition, a road twenty feet wide, for ninety miles, was directed to be made, and two forts were constructed suitable for sustaining a seige. Take that of Fort Hamilton, on the Great Miami, for example: First, the ground had to be cleared where the fort was to stand, and two or three hundred yards round it, which was very thickly wooded, and was a work of time and labor. The circuit of the fort was one thousand feet, through the whole extent of which a trench about three feet deep was dug to set the pickets in, of which it required two thousand, carefully selected and of uniform size, to inclose it. When formed, the trees had to be felled, cleared of their branches, and cut into lengths of about twenty feet. They were then carried to the ground and butted, that they might be placed firm and upright in the trench, with the axe or cross-saw; some hewing upon them was also necessary, for there are few trees so straight that the sides will come in contact when set upright. A thin piece of timber, called a riband, is run around the whole near the top of the pickets, to which every one is pinned with a strong pin, without which they would decline from the perpendicular with every blast of wind, some hanging outwards and some inwards, which would render them, in a great measure, useless. The earth thrown out of the trench is then returned and strongly rammed to keep the pickets firmly in their places, and a shallower trench is dug outside, about three feet distant, to carry off the water and prevent their being moved by the rains; about two thousand pickets are set

place where Fort Jefferson is now erected, forty-four miles in advance of Fort Hamilton, where they arrived on the 12th of October, and commenced their march from that place on the 24th of the same month. That the army, at this time, consisted of seventeen hundred non-commissioned officers and privates fit for duty; at this time the army had not more than three days' supply of flour, and were sometimes at one-fourth and sometimes at one-half allowance of that article, the deficiencies of which allowance were made up by increasing the quantity of beef, with which they were plentifully supplied. The army was delayed five or six days in their march from Fort Jefferson for the want of provisions, and the season was so far advanced that sufficient green forage for the horses could not be procured, from which circumstance many of the horses were totally lost, and others rendered unfit for service.

The orders to the Commander-in-Chief were express and unequivocal to proceed with the expedition; so much so as, in the opinion of the committee, to preclude the Commander-in-Chief from exercising any discretion relative to the object.[1]

---

up in the inside, one between every two of the others; the work is then inclosed. Bastions were constructed to cover the points of approach; platforms and gates were formed out of plank sawed by hand from the trees; barracks were built for one hundred men, and for officers; a guard-room, and store-houses for provisions. All of this was accomplished in less than fourteen days.

[1] Was it optional for the Commander-in-Chief to postpone the movement into the Indian country? While the Secretary of War was kept advised of the delays incident to the enlistment of the troops, and while he was in no wise concerned at the detention of the quartermaster in the East, he was declaring that the President was very anxious that the expedition should go forward. To fully understand this strange confusion, let the correspondence of August and September, as reviewed by General St. Clair, be examined:

August 4th.—It was expected that by the time I received that letter, I should receive my whole force; but, except the troops from the distant garrisons, and Major Gaither's detachment, no part of it was arrived; powder and lead that were required were to be forwarded by the quartermaster; shot and shells for the posts had been ordered, but they can not arrive in time. *Mr. Hodgdon had depended on a furnace near Pittsburgh, and, on the 28th of July, he writes, "that they can not be had;"* takes notice of the conditional agreement I had directed the contractor's agents to enter into in Kentucky, and promises that the contractors shall have directions respecting it.(1) The

---

(1) In extenuation of the delay of the quartermaster so long in the East, and the purchase of many things there to be transported to the far West, when they could have been obtained at Pittsburgh, the Secretary of War remarked that Mr. Hodgdon had to make not only all the arrangements in his own department, but in the ordnance department also, he having been for many years commissary of ordnance and

On the 31st October, about sixty of the Kentucky militia de-

President still anxious that the operations should commence at the earliest moment.

August 11th.—The President exceedingly anxious that the troops on the upper part of the Ohio should be assembled at Fort Washington at as early a period as possible. But why write to me about assembling them? They were dispersed on the frontiers of Virginia and Pennsylvania, and not within my reach. Every letter I received from the Secretary increased the hope of receiving them, and served to keep me stretched upon the tenter-hooks of expectation from day to day.

August 18th.—The President's anxiety for the commencement of the campaign is again expressed in very strong terms: "It is not easy to express his anxiety that the campaign should be successful; he is persuaded you will brace to exertion every nerve under your command." How far this was done, may best be judged of from the preparations I had made at the time that letter was received; from the establishment of two considerable forts, *and the cutting a road for artillery and troops to move in marching order for ninety miles.*

August 25th.—The troops still at Pittsburgh, and the President lamenting their detention exceedingly. The Secretary says: "The highest exertions will of course be necessary, and the President depends upon their being made." I think I may venture to say he was not disappointed in that respect.

September 1st, contains as express and positive orders for the prosecution of the campaign as ever were given: "The President enjoins you, by every principle that is sacred, to stimulate your exertions in the highest degree, and to move as rapidly as the lateness of the season, and the nature of the case will possibly admit." It will be judged whether, after this, the Com-

---

military stores; and that it ought to be remembered that Philadelphia was a common center, from which all of the stores were supplied, except those furnished in the Eastern States from the arsenal at Springfield; that these were to be transported to Pittsburgh: and that these circumstances being considered, "it would be rather a circumstance of approbation than censure to find the articles, so soon as they really were, transported to their respective rendezvous." On this second point, General St. Clair commented as follows:

"Very possibly this circumstance may deserve some praise. But there are other circumstances which ought to have been duly investigated by the Secretary before he decided upon a campaign to be carried on principally by troops raised for six months only, to-wit: whether he had equipments for them; and if he had not, whether they could be provided and transported to wheresoever they were wanted in due time, and whether the numerous articles in the ordnance and military store departments were on hand, or could be provided and transported likewise. If it had appeared on that investigation that there would be a failure in any one of them, it was evident that the plan could not be carried into execution. Whether it was made or not I am not informed; but, certainly, I was suffered to depart in order to assume the command without a hint of the probability of a disappointment in any one of them; and had I not believed that every thing either was, or would be in readiness to move from the *common center* in due time to accord with that fixed for assembling the troops and beginning to operate, specified in the plan of the campaign, I should never have undertaken to conduct it."

serted in a body, and the First regiment, consisting of about three hundred effective men, was detached, with a view to cover a convoy of provisions which was expected, and which, it was supposed, was in danger from the deserted militia, and to prevent further desertions.

On the 3d of November, after detaching the First regiment, the army consisted of about fourteen hundred effective men, and on the morning of the 4th, about half an hour before sunrise, a general attack was commenced, and, in a few minutes thereafter, nearly the whole army was surrounded by the enemy; the action continued about four hours, during which several charges were made by a part of the army, which caused the enemy to give way, but produced no good effect; the attack was unexpected, the troops having been just dismissed from the morning parade; it commenced upon the militia, who were in advance of the main army, and who fled through the main army without firing a gun;[1] this circumstance threw the troops into some disorder, which, it appears, they never completely recovered during the action; the fire of the army was constant, but not well directed, and it appears that a part of the troops behaved as well as could be expected, from their state of discipline and the manner and suddenness of the attack; the Commander-in-Chief appears to have been cool and deliberate in the whole action, and the officers in general active and intrepid; the whole order of march, as far as the committee are capable of expressing an opinion, appears to have been judicious, and the ground for action well chosen; the retreat was disorderly in the extreme; after it was commenced, no orders were obeyed, if any were given, the men having lost all regard to discipline or control; all the precaution seems to have been taken for the safety and comfort of the wounded which the circumstances of the case would admit of.

The contractors for supplies, agreeably to the term of their contract, were to furnish horses, etc., for the transportation of the supplies; in this condition of the contract there was a total failure, which compelled the Commander-in-Chief to direct between six and seven hundred to be purchased by Israel Ludlow, one of the contractor's agents, to draw bills on Mr. Duer, the acting contractor, for payment, which bills were indorsed by the Commander-in-Chief, to the amount of about seventeen thousand dollars, were protested

---

mander-in-Chief had an option; and whether, if he had taken it upon himself to lay aside the operations, there would not have been an inquiry of very different complexion from that that was had.

[1] The advanced guard fired a few shots.

by the contractor, and paid at the treasury; the persons employed by the agents of the contractor to drive the horses, appear to have been totally unacquainted with that business, and, from the want of bells, hopples, and other necessaries of that kind, as well as from other gross mismanagement, many of the horses were lost, and others rendered unfit for service; from which causes there were not pack-horses sufficient to transport the necessary quantity of flour from Fort Washington for the use of the army on their march; this circumstance retarded the execution of the expedition.

The officers, agreeably to the terms of contract, had an election of drawing the whole of the rations to which their rank entitled them, or of receiving the contract price in cash; the contractor's agents, not being furnished with money for this purpose, gave rise to a general order, by which the officer was directed to receive from the contractor's agent, a certificate called a due bill, of one of which the following is a copy:

> "Due Major H. Gaither, one hundred and seventy-three complete rations, on the route to Miami village, as appears by Mr. Wilson's certificate. ROBERT EARNEST, for MR. DUER.
>
> "*Fort Washington, November 17th*, 1791."

This due bill, issued upon the officer's signing some satisfaction for his whole rations, which acknowledgment forms a voucher for settlement to the contractor with the treasury department, and the officer is refused payment for these due-bills at the pay-office; all casualties by which those evidences of debt become lost or destroyed, are the gain of the contractor, and the loss of the officer.

It is suggested by the Secretary of the Treasury, though not with positive certainty, that a sufficient sum will be found due from the treasury to the contractor, upon a final settlement, to cover all these debts to the officers; the general order which had the operation before stated continued in force about five or six weeks, and was abolished about the 19th October. The privates of the levies received but three dollars pay each, from the time of their enlistments to the time of their respective discharges, and were actually discharged without pay or settlement; notes of discharge were given them, specifying the time of their service, and bearing indorsations that some advancements had been made to them on account, without stating the amount, the object of which is suggested to have been to prevent transfers; the intended effect was not produced by the measure; the notes were sold for trifling considerations; the real sums due on the notes were various, from ten to twenty-five dollars, and they were often sold for one dollar, or for one gallon of whisky; the moneys for the pay of the levies did not leave Philadelphia till the 4th of December, nor arrive at Fort Washington till the 3d of January, 1792, some time after the last enlisted levies were known to be entitled to their discharges;[1] two reasons have been assigned by the Secretary of War for this delay of payment—the one, because there was no regular paymaster to the army, and the difficulties of transmitting moneys to the army at so great a distance, in consequence of the want of such an officer; and the other, because it was supposed that the army would be at the Miami village, so far advanced in the wilderness as not to admit of the practicability of discharging the levies,[2] the total defeat of the army not having been counted upon.

The clothing of the levies appears to have been of very inferior quality, particularly coats, hats, and shoes, the last of which, in many cases, lasted not more than four days, and better clothing furnished them upon their enlisting into the regular service, which was, for a time, countenanced by the Commander-in-Chief.

---

[1] The money to pay the levies did not leave Philadelphia till about one month after the time of service of the whole of them was expired, and nearly another month elapsed before it reached Fort Washington.

[2] The enlisting the men of the levies into the standing regiments was directed expressly by the Secretary of War—a measure that laid the foundation of all the jealousy that subsisted between the officers of those corps, and created so much uneasiness it was forbidden by St. Clair.

In the examination, it was claimed by the Secretary of War that a part of the money in the hands of the quartermaster was available for the payment of the levies upon the order of the Commander-in-Chief, and therefore there was no just ground for censure on that score.

"The Commander-in-Chief suggests that there was no paymaster to the army, nor any person authorized to settle the accounts of the soldiers, and ascertain the real balances due to them until the arrival of Mr. Swan, on the 3d day of January, 1792, and infers that he had no authority to direct a settlement and order pay to the soldiers until he was informed of the arrangements made at the war office relatively to that object. This suggestion is strongly corroborated by a letter of the Secretary of War, addressed to the Commander-in-Chief, and forwarded by Mr. Swan, which designates Mr. Swan as paymaster, and contains instructions relative to the terms of settling the accounts of the soldiery. The same letter serves to show that the twenty thousand and sixty-nine dollars and ten cents, put into the possession of the quartermaster-general, were not conclusively destined for the pay of the levies, nor so considered by the Secretary of War; because it is asserted in that letter that Mr. Swan is furnished with a sum of money sufficient for the pay of the levies, without making any deduction in consequence of the moneys furnished the quartermaster-general."—*Supplemental Report of Committee.*

Various modes appear to have been pursued by the officers in enlisting the levies, which occasioned great uneasiness and some confusion; a considerable part of the Virginia battalion was so enlisted, that the terms of their enlistment appears to have expired the first of November; the orders to the recruiting officers appear not to have been sufficiently explicit upon this point; whether the terms of enlistment were to commence at the time of enlistment, or at the arrival at the place of rendezvous. The militia appear to have been composed chiefly of substitutes, and totally ungovernable, and regardless of military duty or subordination. It appears that the Commander-in-Chief had it in contemplation to commence the expedition at least one month earlier than it was commenced, with the force he then had, which was not very different from the real force in the action, but was prevented for the want of the quartermaster and contractor, and in consequence of the extreme deficiencies and derangements of the business of those departments; the person sent forward by the quartermaster being totally incompetent for the business, and the agents not being sufficiently supplied with money to enable them to execute their duties.

It appears to the committee, that in the wilderness, where vegetables are not to be had, and the duties of the soldier uncommonly hard, the rations allowed by law, if completely supplied, are insufficient. This circumstance, with others, produced discontent and desertion among the soldiers.

It appears to the committee, that there were appropriated for the use of the War Department, for the year 1791, the sum of six hundred and fifty-two thousand, seven hundred and sixty-one dollars and sixty-one cents; and that there have been advanced by the Treasury to the War Department, upon that appropriation, five hundred and seventy-five thousand, nine hundred and six dollars and fifty-seven cents.

And that the treasury has always been in readiness to make the requisite advances upon the request of the Secretary of War. It does not appear to the committee, in what manner or to what amount these advancements have been disbursed, the accounts not being yet settled at the Treasury, nor was it possible, from the nature of the case, that they could, at this time, have received any conclusive or satisfactory information on that point.

From the foregoing state of facts, the committee suggests the following as the principal causes, in their opinion, of the failure of the late expedition under Major-General St. Clair:

The delay in furnishing the materials and estimates for, and in passing the act for the protection of the frontiers, the time after the passing of which was hardly sufficient to complete and discipline an army for such an expedition, during the summer months of the same year.

The delays consequent upon the gross and various mismanagements and neglects in the quartermaster's and contractor's departments: the lateness of the season at which the expedition was undertaken, the green forage having been previously destroyed by the frost, so that a sufficiency of subsistence for the horses necessary for the army could not be procured.

The want of discipline and experience in the troops.

The committee conceive it but justice to the commander-in-chief, to say that, in their opinion, the failure of the late expedition can, in no respect, be imputed to his conduct, either at any time before or during the action; but that, as his conduct, in all the preparatory arrangements, was marked with peculiar ability and zeal, so his conduct, during the action, furnished strong testimonies of his coolness and intrepidity.[1]

---

[1] The report of the committee was carried over by the adjournment to the next session. On the 14th November, 1792, the Speaker laid before the House communications from the Secretary of War and Quartermaster Hodgdon, asking to be heard before the House in further explanation. An attempt was made by their partisans to bring the inquiry directly before the House, but, after debate, it was defeated, and the report and the communications of the Secretary and quartermaster were committed to a committee consisting of Mr. Fitzsimmons, Mr. Giles, Mr. Steele, Mr. Clarke, and Mr. Findley. A notification was sent to General St. Clair, then at a considerable distance, to attend, and upon his arrival, the committee would have proceeded to the examination, but the Secretary of War, although he had requested to be heard at the bar of the House more than a month prior to that time, and when, it must be supposed, he was fully prepared, was not ready; nor was it until very near the end of the session again, though repeatedly called upon by the committee, that his communications in writing, and those of the quartermaster were given in, and new documents and witnesses adduced. In consequence, only three days were allowed General St. Clair to review the bulky documents of the Secretary and quartermaster—a task which he accomplished in a very thorough and masterly manner. His "observations" on the statements of the Secretary and quartermaster fill seventy-one printed pages, and are, in all respects, a complete exposure of the sophistry of the accused officers by which they sought to exculpate themselves from the charge of neglect in the campaign of 1791—a neglect that was, in a moral sense, criminal. The committee, after having exhausted all

SECRETARY SARGENT TO JUDGE SYMMES.

CINCINNATI, *May 10th*, 1792.

Sir:—I have received information this day that a considerable

---

sources of information, brought in a supplemental report, also unanimous, reaffirming the original report in all essential points. Some technical mistakes committed in the first were corrected, but the main facts were reaffirmed and emphasized. In the extracts which I have given, notice is taken of the corrections, so that they stand as the final report of the committee.

This affair created great political commotion at the time, and led to animated debates and much newspaper and pamphlet writing of an ardent partisan cast. Mr. John C. Hamilton, in his "The Republic," has devoted almost a volume to a consideration of the Congressional action, and a defense of his distinguished father. There would seem to be no reason for this effort, as the amended report of the committee not only avoids any censure of Alexander Hamilton, but bears testimony to his faithfulness to the public interests in so far as the Treasury Department was concerned. But the author of "The Republic" imagined a political scheme adverse to the party of Alexander Hamilton in the appointment of the committee and the refusal to hear the Secretary of War and Quartermaster Hodgdon *viva voce*, and entered the lists to expose it and defend the Secretary of the Treasury, when no defense was required. In doing this, he distorts and misrepresents the facts, and exhibits a malignancy of partisanship exceeding that he lays to the door of the majority of the House of Representatives. The delay in making the second report, for instance, he charges upon the committee, when the truth is, as established by the written documents of record, that the delay was wholly at the request of the Secretary of War, who had no case. Only the Secretary of War could profit by a delay. By procrastination, he might prevent a report being made to the House during that (the second) session. If that could be done, there was an end to the business, as there would be nothing for a new Congress to act upon, and another inquiry was not probable. To political malignity, he adds ingratitude of the basest kind. He misrepresents the action and report of St. Clair, and attempts to blacken his memory—a return for benefits received by his family of a character so infamous as to be condemned of all good men. Was it for this the noble St. Clair stood between the author's grandfather and an excited public in 1777? While condemning this return of evil for good in a descendant, it is pleasant to reflect that Philip Schuyler was deeply grateful, and testified to others his appreciation of the magnanimity of St. Clair. That Alexander Hamilton did not connect St. Clair with any political opposition to himself, or entertain the same mistaken opinion of the unfortunate campaign of 1791, is proved by an uninterrupted friendly intercourse and political co-operation extending during St. Clair's administration in the Western Territory.

While the Secretary of the Treasury stood relieved of any responsibility for the misfortunes of the campaign of 1791, the entire responsibility was fastened upon the War Department. The testimony is conclusive and per-body of armed men have entered this Territory by the way of your settlement, for the purpose of offensive war against the savages—a measure extremely cruel, as it may affect our messengers among them, and in a supreme degree criminal to the present pacific intentions and pursuits of the United States.

I trust, sir, that no countenance or comfort has been afforded to this party by any of the good people of the Territory; but upon this subject, I beg you to cause an immediate ample investigation, and transmit me information by the earliest opportunity, as also an account of the principal characters in the expedition, the motives upon which it has been undertaken, all the objects of it, and whether it appears to have been authorized or not by any persons of distinction in Kentucky, as far as shall come to your knowledge by most accurate inquiry. For all those circumstances it is my duty to lay before the sovereign authority of America as immediately as possible. I have not myself received any instructions to prevent offensive war against the Indians, but the commandant of the regular troops has, which being communicated by him to me, produced the orders of the 7th ult. to the militia, for I conceived it mine, and the duty of every public servant, to yield implicit acquiescence in, and to endeavor to promote the intentions of government.

---

fectly overwhelming. Not only was there neglect in supplying and properly equipping the army promised, but the movement forward into the Indian country after the forage had been cut off, and the failure of the contractors to supply necessaries for the subsistence of the troops, was made in obedience to the orders of the Secretary of War. The infatuation which led General Knox to confide in Mr. Hodgdon is unaccountable on the grounds of experience and prudence. But his responsibility for him is unquestionable. Read the following paragraphs from his letters:

General Knox to General Butler, June 23d: "I am satisfied that Mr. Hodgdon will answer the public expectation as quartermaster, and that by his actual supplies, credit, and resources, there will not be a deficiency of any sort or kind."

July 7th, General Knox to General Butler: "I am highly satisfied that Mr. Hodgdon meets your approbation. I am persuaded, from long experience of him, that he will amply fulfill the expectations formed of him."

October 30th, Quartermaster Hodgdon to General St. Clair: "I have to inclose you further correspondence relative to the supply of provisions, by which I trust you will conclude with me that the prospect is favorable that I shall succeed in supplying the army as I proposed, viz: to have eight days' rations beforehand."

And yet Quartermaster Hodgdon failed in every respect. He deserved to be court-martialed, tried, condemned, and executed. Yet, after a full exposition of his criminal neglect, he was continued at the head of the department for years.

I wish, sir, you had given me notice of this movement, and in season to have prevented it, and of all similar designs which you may be made acquainted with, I beg to be informed as soon as possible.

STATEMENT BY JOHN STROTHER.

Mr. John Strother says that being in the settlements, near the Cherokee Nation, he was informed by Bartholomew McGea, Samuel Henry, and a Mr. Evans, that from the accounts of the Cherokees, some of them were in the action on the 4th day of November, 1791; particularly one of them said he had two brothers in it; that they stated the number killed of our army at 672; that some of the Northern Indians came directly to the Cherokee towns from the battle, and had informed them that more Indians had been killed than whites, but that was not to be wondered at, as they were so much more numerous; that of some of the nations from the lakes, out of a party of seventy, led by one of their kings, the king and thirty were killed; that in the course of the last summer, while he was in the Chickasaw Nation, three hundred Creeks had passed the Tennessee River with the design to break up the settlements at the Mussel Shoals, and finding nobody there, had proceeded northerly, and were supposed to have joined the Northern Indians.

RUFUS PUTNAM TO GENERAL KNOX.

FORT WASHINGTON, *July* 8, 1792.

Sir:—My letter to you of the 5th instant I gave into the hands of Mr. Vigo, at this place, who has gone down to the Rapids with an intent to proceed immediately to Philadelphia by the way of Lexington.

The more I reflect on the subject the more I am convinced it will be best to proceed with the Indians on the Wabash, and others in that quarter, in the manner I have recommended in my letter above referred to, and as far as possible detach them from the councils and influence of other Indians. But I think it will not be necessary, and perhaps not proper to stipulate an annual allowance of goods to be delivered to them until a purchase of land be made, which I conceive ought not to be done (unless the proposition of selling be made by them), until the contest with the Shawanese and other hostile nations is determined. For this is the argument made use of by our enemies, and the only one that prevailed with the Chippewas and many other tribes to join in the war, and which is continually urged on the Western Indians as a motive to join the confederacy, viz: "The Americans are after your lands, and mean to take them from you and drive you out of the country."

I am informed from good authority that when the Delawares, Wyandots, and Shawanese first invited the Chippewas and other tribes to join in the war, they answered: "For why should we go to war? We have no quarrel with the Americans. When our father (meaning the King of Great Britain), was at war, and called on us to join him against a set of rebellious children, we did so, but our father has now made peace with those children, and there is now no reason why we should go to war against them; it will be enough for us to go against the Americans when our father calls on us again; but you," continued the Chippewas, "are always quarreling with your neighbors; it would be better for you to be at peace."

To this the Delawares, etc., replied: "That the Thirteen Fires were endeavoring to take their lands from them, that they challenged the whole country as their own, that the Thirteen Fires had marked out to them a small tract for hunting ground, on which they could not live." "Well," say the Chippewas, "what is that to us; the Americans have done us no harm, and why should we fight for your lands? You may fight for yourselves for them and defend your country. There is reason that you should; but we shall get nothing by it, if we join in the war; it is better that we mind our business and live in peace." To this the Delawares could find no answer, until a British emissary whispered in their ear: "Tell them that when the Americans have conquered you, and got possession of your lands, they will then take theirs also, for that is their intention, and they never will rest until they have got the whole country." "Is that the case," replied the Chippewas and other nations; "then we will fight, too;" and immediately agreed to assist in defending the country against the encroachments of the Americans.

I have been the more particular in relating the anecdote (which is a fact and may be relied on), because it shows the reason why so many nations are drawn into the war against us.

That it must be something more than merely the influence of British emissaries, may be fairly argued from there being a greater number engaged in the present contest than the British Government, with all their arts and money, were able to persuade to engage in their service (in the western quarter) during the late war;

and what can be their motive but the fear of losing their lands, or, in other words, that the Americans intend to take their lands from them without their consent, whenever they think proper, agreeably to the doctrine of the treaties at Fort McIntosh and the Big Miami. It is, therefore, in my opinion, indispensably necessary to convince the western Indians as soon as possible that these suggestions are false; and since they are not willing at present to come to Philadelphia, or even to Fort Washington, they should be treated with at Vincennes as soon as possible. In confident expectation that a commission will be forwarded as soon as may be, empowering Major Hamtramck, or some other person, to hold a treaty at Vincennes, agreeably to the stipulation he has made for that purpose, a part of the Indian goods here will, with the prisoners, be forwarded to Fort Knox. Yesterday, a canoe going up the Ohio, with two men, a woman and a boy, was attacked by the Indians, one of the men was killed, the other wounded, the boy taken, and the woman escaped unhurt. This is another circumstance against my hearing from Hendrick in the way proposed, and with some conclusive evidence that the grand council is broken up with a determination of continuing the war; but I doubt this, for there has not been time for the chiefs that were at Philadelphia to council at Buffalo Creek and arrive at the Tawa River by this time, and I do not believe that the council would break up before their arrival and those from Canada, as no doubt they had information that they were coming. I am determined to send another speech to the belligerent tribes, if I can persuade some of the Wabash Indians to carry it, and engage to bring back an answer. I have several reasons for making this attempt. First, if some bad men have murdered our messengers having the President's speech, although the speech may be carried to the council, they may not consider it as properly coming before them, and the chiefs may be in doubt whether we will now receive a messenger from them or not; the arrival of a new speech will, I think, remove this doubt, although I mention nothing of the rumor I have heard. Besides, by a messenger of this sort I expect to ascertain the fact whether our messengers are murdered or not, and also reduce the matter to a certainty whether they will let me speak to them or not.

I propose remaining here for the present, as it is uncertain whether any flag will arrive from the enemy, or at what post they may come in, and should Captain Hendrick arrive at Fort Jefferson, as proposed, I shall have notice of it in thirty-six hours. But suppose that after all rational means are used to accommodate this business by treaty, we fail in the attempt, and that a continuance of the war is inevitable? Pardon me, sir, if I, unasked, offer a few sentiments on the subject.

Mr. Hutchins and others have said a great deal about the fine navigation of the Alleghany River and French Creek, the Big Beaver, the Cuyahoga, the Scioto and Sandusky, with the Wabash and Tawa Rivers, or the Miami of the Lake. And it is true they are all very fine rivers, and at certain seasons many of them afford plenty of water to float craft of very considerable burden for a great distance. But the fact is, that not one of them will serve any valuable purpose for transporting by water the baggage, stores and provisions of an army for any considerable distance, toward any object where Government can possibly mean to point their force in any offensive operation; even the Ohio, at some seasons, is difficult, if not quite impassable, in some parts; therefore, all considerable movements of an army between the Ohio and Lake Erie should be calculated by land. You will permit me to speak freely, and I know you will not be offended; my intention is to serve you by way of information, and I write with the greatest deference.

To establish a capital post at the Miami village, with a proper number of intermediate stations, sufficient to secure a communication from Fort Washington to that place, is undoubtedly an object to be persevered in, and I think if the business is conducted in a prudent manner, it may be effected with two thousand men without any hazard. But to stop there will, by no means, induce the Indians to treat; it will be provoking rather than distressing to them, nor will the frontiers receive any considerable protection thereby. My opinion is not to advance any further in this quarter at present, but to make arrangements for carrying a line of stations from the mouth of the Big Beaver Creek, on the Ohio, to the mouth of the Cuyahoga, on Lake Erie, where I would erect a strong post; here I would build such watercraft as should be thought necessary to transport the army. I intend to make use of this way into the Tawa River as far as the rapids (about fourteen miles), as to such place as should be found most convenient for establishing a post there; for I will venture to pawn my representation upon it if, from the overtures now making, the Indians are not brought to a treaty, they never will until you establish a post in the mouth of the Tawa River, and prevent the British agent, or his emissaries and Indians any more counseling together, or, in the Indian language, put out their council fire in this place. This is the place where every year the British agent distributes the annual presents to all the nations, far and near, inhabiting the country south of Lake Erie and westward beyond the Miami village. While the army are employed in building the fort at Cuyahoga, provided they do not arrive before the spring, and preparing their watercraft, the Western army should proceed from Fort Jefferson, and, erecting proper stations by the way, establish themselves at the Miami village. The Indians, seeing two armies advancing in opposite directions, will probably be confused in their councils; they will consider the country of the Wyandots, Delawares, and Shawanese lost; their allies will most, if not all, withdraw themselves, and the Delawares, etc., sue for peace or quit their country, or if that should not be the case, as they can never know when your army will move nor where it will strike, they never can prevent them from landing, and in a short time, by intrenching, secure themselves against ten times their number; and should they still be obstinate, yet will they not be able to prevent the two armies from establishing a line of communication from the mouth of the Tawa River to the post at the Miami village.

The security that such an arrangement will give to all the country, which will be thereby evinced as well as to the Six Nations and the inhabitants on the Alleghany River, is very obvious.

It has been the opinion of some that we should communicate with Lake Erie by the way of Presque Isle, but I am by no means of that opinion, because the distance is much greater from Pittsburgh (or from any part of the Alleghany River to which water carriage is always certain) to Presque Isle than from the mouth of Big Beaver to the mouth of Cuyahoga, and the country from Pittsburgh to Presque Isle is much worse to make a road. Indeed, from Big Beaver to Cuyahoga the country is very level, and, except about seven or eight miles, is very dry and good for a road, while the other, for the greater part of the way, is bad hills, and for fifteen miles is very wet; besides, the distance from Presque Isle to the Tawa River is nearly double that from Cuyahoga. Moreover, if a post is made at Presque Isle there must be another at Cuyahoga, for such is the navigation of Lake Erie, especially for some distance west of Cuyahoga, that boats in their passage westward must always put into the mouth of that river and wait a favorable time to pass the rocky shore, which in Hutchins' map is marked thus, "X." On the west bank of the Cuyahoga is a rising ground or high bank, from whence the country about is commanded, as well as the entrance into the river, which is deep and navigable for vessels of considerable burden for several miles up. The route from the mouth of the Big Beaver, I expect, will be the best on the west side until we are two or perhaps three miles above Kishkushe, then the road will cross at a good ford, and, turning westward, will cross the creek twice more; then, leaving the creek a little above Salt Springs, it will cross the Cuyahoga about ten miles from its mouth, and pass down on the west side; at all the crossings are good fords unless the water should be uncommonly high. The number of intermediate stations will depend on the distance they are from each other. Allowing twenty miles to be a proper distance, then four only will be required. I believe this to be the nearest and best route by which a communication can be opened between the Ohio River and Lake Erie, without having regard to water navigation, which [will disappoint] whoever depends on it; although I doubt not that, at some seasons, considerable advantages may be derived from water carriage on most of the rivers I have mentioned, and the Big Beaver and Cuyahoga may sometimes be made a good use of in this way. The facts I have mentioned in this statement I have from a man of judgment and undoubted veracity, who has had full opportunity to examine the country, not only on the route from Big Beaver to Cuyahoga, but has also traveled by many different roads from Pittsburgh to Sandusky and Detroit, resided ten years among the Delawares, is fully acquainted with all the streams that make a part of the Muskingum River, as well as the southern shore of Lake Erie, and all the streams that fall into it between Cuyahoga and Detroit. In some parts of this route the country is open, in other parts are thickets of brush to be cut out, but the principal difficulty is a swamp and wet ground for seven or eight miles, the greatest part of which must be causewayed; but I am told that lumber is plenty and handy, and if so, one man will easily make one perch per day, and allowing six hundred and forty men may be well employed at the work, they will make this part of the road in four days; however, if it should happen to be a dry fall, it is doubtful if one fourth part of the distance mentioned will require bridging in the first movement of the army. When I speak of making a good road I mean a wagon road; there is now a pack-horse path the whole distance, which has been used by traders and war parties. By this route all kinds of provisions, except beef from Kentucky, can be transported to the Miami village cheaper than through any other channel, and from thence conveyed down the Wabash, or toward Lake Michigan, and into the upper part of the Illinois country, to supply any garrisons which the Government may think proper to establish in that quarter for the protection of the friendly tribes, and the security of our trade with them; to this may be added the supply of the post at Detroit, whenever we shall be in possession of it.

If the proposition should meet with approbation, measures for carrying it into execution can not be too soon adopted; for, although the season will be too far advanced before the event of the present overtures now making to the enemy is known, to admit of any offensive operations of consequence in this quarter, yet I conceive it will not be the case with respect to the plan I have proposed. I can see no objection against making an establishment at the Big Beaver (where we have long had a small post), even while our negotiations are pending.

Under this idea, I would then propose that the troops intended for the service, as fast as they arrive at Pittsburgh, should be sent down to that place; that the work there be repaired and extended in a proper manner, and magazines of provisions, forage, etc., etc., etc., be collected for the expedition. This can not, probably, be completed and the whole ready to move before October, and before that time, I trust, it will be known whether we are to have a treaty with these fellows or not; if they shall agree to a treaty, it is probable they will be as willing to hold it somewhere on the Big Beaver, or at the mouth of Cuyahoga, as at any other place, and in that case they can have no objection to a road being made to transport the goods to Cuyahoga. At all events, whenever we make peace with them, and whatever we relinquish in other respects, we must insist on establishing ourselves at Cuyahoga, for the purpose of supplying them with goods to be delivered there, or further westward, so that the work proposed at the Big Beaver will not be lost, provided we come to a treaty; and, if we are to have no treaty, we shall be ready to execute the plan by force. And, in that case, if we are ready to move by the 1st of October, I think we may safely venture on the expedition; for, allowing sixteen days to erect the four intermediate stations, four to make the causeway, and that we cut our road and march five miles a day, we shall reach Cuyahoga in forty days; but, I have no doubt, we shall be able to reach Cuyahoga in half that time. About the time intended for the army leaving the post at Big Beaver, the enemy may be menaced from this quarter; and, as they will not be alarmed at seeing you posted at Big Beaver, the army will probably reach Cuyahoga before the enemy can possibly be in a situation to oppose them; at the same time, a body of volunteer militia might be encouraged to advance on Crawford's route toward Sandusky.

The measure, I believe, will be very popular with the people of

Ohio county, and all the western part of Pennsylvania, which will greatly facilitate the business. Forage for any number of horses may be brought to this place with little expense, and if the number of regular troops which may be raised by the time and spared for the purpose should be thought insufficient, I have no doubt but an ample number of good riflemen, who live within three days' march of the spot, would voluntarily engage in the expedition. On the whole, I have no doubt we may, without any unreasonable hazard, establish ourselves at Cuyahoga by the setting in of winter, and that, by the 1st of May, if not before, a sufficient number of boats may be built for transporting the army into the Ome or Tawa River. But, should the fall season prove unfavorable, or any other unforeseen accident prevent *our* advancing to the Cuyahoga this winter, yet, if we can make our way good a part of the distance only, I think the object ought to be pursued, as we shall be enabled thereby to commence our operations next year much earlier. Besides, I think this is the best mode of carrying on the war; the sooner we show ourselves on the shore of Lake Erie the better; such an *appearance* will be a conviction to the Indians that many things which have been told them are false; and, finding they have been imposed on in some things, they will doubt the rest.

AS TO ASSEMBLING AT PUBLIC WORSHIP WITHOUT ARMS.

CINCINNATI, 18*th September*, 1792.

"The practice of assembling for public worship without arms, may be attended with most serious and melancholy consequences. It presents the opportunity to an enemy of the smallest degree of enterprise to effect such fatal impression upon our infant settlement as posterity might long in vain lament.

"The laws of the Territory have wisely provided that every man enrolled in the militia shall, upon those occasions, arm and equip himself as though he were marching to engage the enemy, or in default that he shall be fined in the sum of one hundred cents, to be levied upon complaint made to any justice of the peace."

Although it is incumbent upon every good citizen to represent all violations of this law which shall come to his knowledge, yet it is more immediately the province of the militia officers. They will, therefore, each and every one of them, from and after the publication of this order, consider it their indispensable duty to take cognizance of all persons enrolled in the militia who shall assemble for public worship (within their observation or knowledge), deficient in the arms or accouterments required by law, and make report thereof upon oath to a justice of the peace, as soon as may be after such default shall happen. WINTHROP SARGENT,

Commanding the militia in the absence of the Governor.

GENERAL WILKINSON TO GOVERNOR ST. CLAIR.

FORT WASHINGTON, *November 7th*, 1792.

My Dear Sir:—It was my purpose never to have written to you again, because of the contempt which you have shown to my correspondence. The duty which I owe to a friend, however, breaks in on my intention. I beg leave to bespeak your good offices to Mr. Beryl Sebastian, of Kentucky, as he is weary of that country, and wishes to remove to this Territory. He is now one of the Supreme Judges of that State, but would prefer to be here with an inferior salary. A word to the wise—adieu. May you brave this gathering storm[1] successfully, prays your affectionate, etc.

---

[1] The year 1792 was one full of terror to the inhabitants of the Territory, and the bordering counties of Pennsylvania and Virginia. The citizens withdrew into their strong places and kept watch as militia for the protection of their frontiers. Such agricultural pursuits as were carried on required men with guns in their hands as well as axes and hoes. The official acts of the Government will be shown by consulting the manuscript records kept by Secretary Sargent:[1]

---

(1) OFFICIAL RECORDS FOR 1792.

February 11th.—The Secretary issued a proclamation setting forth provision in ordinance for new counties when Indian titles should be extinguished, claiming that the scattered nature of settlements in section between Little Miami and Scioto Rivers, did not justify erection of new county; therefore added same to County of Hamilton. Boundaries as follows:

"Beginning at the confluence of the Scioto with the Ohio River, and up the Scioto River with the courses thereof to the upper part of the old lower Shawanee town upon the said river; thence by and with a line to be drawn due north to the Territorial boundary line, and westerly along said line to the eastern boundary of the County of Knox, and down along the said eastern boundary of Knox County by a due south line to the standing stone forks of the Great Miami River, and with the said Miami to its confluence of the Ohio River; thence up the Ohio River to the place of beginning, shall constitute and be erected into the county, and continue to be known and styled the County of Hamilton, and the said County of Hamilton shall have and enjoy all and singular, etc., etc.

SECRETARY SARGENT TO JUDGE SYMMES.

CINCINNATI, COUNTY OF HAMILTON, *May* 10, 1792.

Sir:—I have received information this day that a considerable body of armed men have entered this Territory by the way of your settlement, for the purpose of offensive war against the savages—a measure of extreme cruelty, as it may affect our mes-

GOVERNOR ST. CLAIR TO JUDGE TURNER.

PHILADELPHIA, *April* 5, 1793.

Sir:—Inclosed is the copy of a presentment of the grand jury for the District of Kaskaskia, in the county of St. Clair, which

---

sengers amongst them, and in a supreme degree criminal to the present pacific intentions and pursuits of the United States.

I trust, sir, that no countenance or comfort has been afforded to this party by any of the good people of this Territory; but upon this subject I beg you to cause an immediate ample investigation, and transmit me information by the earliest opportunity: as also an account of the principal characters in the expedition, the motives upon which it has been undertaken, all the objects of it, and whether it appears to have been authorized or not by any persons of distinction in Kentucky, as far as shall come to your knowledge by most accurate inquiry, for all those circumstances it is my duty to lay before the sovereign authority of America as immediately as possible. . . .

July 5th.—New commission made out by the Secretary for the Court of Common Pleas of Knox County, specially naming therein Pier Gamelin, Louis Edeline, James Johnson, Luke Decker, and Paul Gamelin.

Military Appointments for Knox County—Luke Decker, Captain, *vice* Edeline, resigned; Christopher Wyant, Lieutenant, *vice* Decker, promoted; Richard Johnson, Ensign, *vice* Wyant, promoted; Piere Racine, Ensign, *vice* J. B. Myette, resigned; Tousaint Dubois, Ensign, *vice* J. B. St. Aubin, resigned.

July 13th.—Abner M. Dunn, Esq., appointed to act as attorney for the United States in Hamilton County. Samuel Swan appointed Clerk of Court *vice* Blanchard.

July 26th.—A commission for the Court of Common Pleas of Washington County, specially naming therein Joseph Gilman, John Gilbert Petit, Dudley Woodbridge, Robert Oliver, and Daniel Loring. The power of administering oaths was conferred on Judges Gilman and Petit; and on Henry Vanderburg in Knox County.

August 13th.—Commissioners appointed with power to license merchants, traders, and tavern-keepers: County of Washington—Griffin Green, Return J. Meigs, and John Rome. County of Hamilton—William McMillan and John S. Gano. County of Knox—Francis Vigo and Henry Vanderburg. County of St. Clair—John Edgar and Antoine Gerardine.

September 3d.—County Treasurers appointed: For Washington—John Stone. For Hamilton—Stephen Wood. For Knox—Paul Gamelin. For St. Clair—Philip Engel. Robert Buntin, gentleman, was appointed Coroner of Hamilton County.

November 28th. Return J. Meigs, Jr., was appointed United States Attorney for Washington County; and Thomas Goudy, gentleman, Ensign of First Regiment of Hamilton County.

LAWS PASSED IN 1792.

1. Grahting licenses to merchants, traders, and tavern-keepers. [*Pub. August* 1.]

2. Creating the offices of Treasurer-General of the Territory, and Treasurers for the counties. [*Pub. August* 1.]

3. Directing the manner in which money shall be raised and levied, to defray the charges which may arise within the several counties in the Territory. [*Pub. August* 1.]

4. For opening and regulating highways. [*Pub. August* 1.]

5. Directing the building and establishing of a court-house, county jail, pillory, whipping-post, and stocks, in every county. [*Pub. August* 1]

6. For the better regulation of prisons. [*Pub. August* 1.]

7. For tke disposition of strays. [*Pub. August* 1.] The first paragraph of this act is in the following words: "That the open woods and unclosed grounds within the Territory shall be taken and considered as the common pasture or herbage of the citizens thereof, saving to all persons their right of fencing."

The act made it unlawful for any person to take up any animal found in this gen-was sent to me by Mr. Jefferson, a considerable time ago. Had I known that you were in town, it should have been communicated to you immediately on my receiving it, but I had been told that you were gone to the Territory, and so I informed Mr. Jefferson and the President at the time.

The time for holding the Supreme Court in one of the western counties is near at hand and there is not a judge in the Territory, which may be attended with ill consequences.

Will you, sir, be pleased to inform me whether or not you expect to be there in season for that purpose, and if you do, at what time you propose to set out?

GOVERNOR ST. CLAIR TO EDMUND RANDOLPH.

CINCINNATI, COUNTY OF HAMILTON, *May* 9, 1793.

Sir:—After a long detention, occasioned by extreme illness, from which I am far from being recovered, and a passage of eighteen days from Pittsburgh, I reached this place on the 3d instant, and I have the satisfaction to inform you that the difficulties which existed with the Court of Common Pleas for this county have been gotten over, and that the court is now in session.[1] It did require a little address to induce the appearance of a change of sentiment in the judges of that court, and I am happy it succeeded, because I was pre-

---

eral pasture ground; and authorized the taking up of any animal breaking into grounds fenced.

8. To repeal certain parts of an act "creating the office of Clerk of the Legislature." [*Pub. August* 1.]

9. Supplementary to a law regulating marriages. [*Pub. August* 1.]

10. To regulate the admission of attorneys. [*Pub. August* 1.]

11. Empowering the Judge of Probate to appoint guardians to minors and others. [*Pub. August* 1.]

12. Prescribing forms of writs in civil causes, and directing the mode of proceeding therein. [*Pub. August* 1.]

13. Establishing and regulating the fees of the several officers and other persons therein mentioned. [*Pub. August* 1.]

These laws were passed by Judges Symmes and Turner, and Secretary Sargent, during the absence of the Governor. No more laws were passed until in 1795, when the Governor and the Judges met together and formally organized as a legislative body.

---

[1] During the absence of the Governor, Secretary Sargent had issued new commissions to the county judges, to run during the pleasure of the Executive, whereas the original were "during good behavior." The judges of Hamilton county refused to accept of their commissions, and continued to act under the old, which had been revoked. This led to confusion and much correspondence between the judges and the secretary. The reason given for the change was that original commissions had been issued by the Governor before the adoption of laws establishing and regulating the courts.

pared, if they persisted in holding the court under their first commission, a second one existing, to have sent them a *supersedeas*, which would have stopped them, but not without some confusion and discontent. Even that mild course, however, would not have been thought of could the bench have been filled with men of tolerable character and abilities, without the present incumbents. I say, the appearance of a change of sentiment, because they are far from being convinced that a commission without limitation as to time can be revoked for any cause but misbehavior in office. In a long conversation with them, to which two of the attorneys and the gentleman who manages the public prosecution at their bar was introduced, and to whom I had sent copies of the inclosed letter the evening before, I gave them my sentiments, unequivocally, that the commission they had received from me was in fact a commission during pleasure; that the commission which had been issued by Colonel Sargent flowed from a proper source, as in the absence of the Governor the Secretary is invested with all the powers of government; that if they did not choose to accept it, they should have ceased to act at all, for that his commission had virtually revoked the other, and that all their proceedings since the date of it were nullities at best; perhaps their sentiments were very different, and I had been informed that strong declarations were made that they never would hold or act under any such commission. I then informed them that I had desired those gentlemen at their bar to attend, in order to give them their opinions, *as friends to the court*, upon some points I had possessed them of, and read the queries I had proposed to them.[1] They appeared well satisfied that the attorneys should give their opinions, and they were unanimous that a power to exist during good behavior could be granted by express words only, and could not be made out by inference, implication, or analogy, and that a power granted without limitation as to time was a power during pleasure, revocable at will; but on the third query, they did not choose to hazard an opinion, because they considered it as a question of great delicacy, not in itself directly, but from the consequences it involved, in which they were all personally interested. I then observed to the judges that I understood the gentlemen of the bar did not care to say that the proceedings of the court for some time past were void. I was myself decidedly of opinion they were void; but there was a way to heal all that had occurred to me, and it was extremely my wish to remove every difficulty, and prevent any stop in the administration of justice. A new commission, in the original form, might be made out immediately; the oath of office might be taken before they left the room, and the court could go on, and when the legislature, which was called for the 1st of September, should meet, an act, worded in such manner as to save the feelings of every one, might be passed, that would give validity to all they had been doing. This proposal was complied with; the commission made out instantly; they were sworn under it, or according to law, and adjourned from my quarters to the court-house, and all goes on smoothly so far.

---

[1] The queries were as follows:

1. Whether a power to exist during good behavior can be granted in any other manner than by express words to that purpose?

2. Whether a power, granted without any limitation as to time or other condition, be not in itself a power during pleasure, and revocable at the will of the person granting said power, his heirs, executors, and administrators in common cases, and of his successors in office in public cases? and,

3. Whether a new commission for any office, issued either to the person or persons who hold the office at the time, or to others, is not, *ipso facto*, a revocation of the commission under which he or they are in possession, notwithstanding the new commission may not contain any revocatory words, and does not superinduce the necessity of again taking the oaths of office, supposing it to issue to the same persons before it can be acted under?

I have been thus particular that you might have a full view of the affair, which had like to have created a great deal of trouble and confusion *in all its stages*, and at the same time to impress upon you the necessity of some person of competent abilities being appointed attorney-general of this Territory, a subject I have heretofore mentioned to several gentlemen in Congress, but without effect. A salary of three or four hundred dollars, with the prospect of private practice, might bring such a person forward. I am not a lawyer, but should it happen that a Governor may have been bred to that profession, still I think he ought to have a responsible law counselor, and it is a misfortune that some of our judges (all of them, in fact) are in the same predicament with myself. Even Judge Symmes, though he has been upon the supreme bench in Jersey, was not, I believe, a professional man when called to it. Their opinion, however, right or wrong, must have weight, and ought to be respected. I have some reason to think that the obstinacy (I call it so) of the inferior judges in this affair has been strengthened by an opinion of some of the superior judges, coincident with their own, if it was not formed upon it. May I be permitted to ask your opinion on the subject, either generally or on the questions I stated, as you think proper. If I have been right, it would be a great satisfaction to be so supported; and if I have been wrong, I shall very readily and cheerfully retract and acknowledge my error, and on the legislature, before whom the affair must be brought, it would have its proper effect.

I take the liberty to inclose farther a copy of the sentence of the Supreme Court in a case of murder, and the warrant for the execution of it (not by way of complaint, although I am not altogether satisfied with it), that you may know the manner in which matters of that high concern are transacted. The proceedings of the judge were no doubt conformable to those of the Commissioners of Oyer and Terminer, of jail delivery in England, in the country, but I believe it would be better that they were analogous to the stricter and more regular practice in the city of London, where execution is never done but with the consent of the King; for if it be in the power of a judge to condemn and execute without even the knowledge of the Executive, all power of pardoning is taken away, or may at least be defeated. There may, indeed, be a question of doubt whether any power of pardoning exists in the Executive of this Territory. If it does not, it is a blemish in its constitution; for, as at present, the judges being also the legislators, there is more danger than in almost any other supposable circumstances that judgment may be rendered rather according to the recollection of their own intention as to the spirit of the laws at the time they were enacted than to the strict letter of them. For myself, where it is not expressly taken away, I believe the power of pardoning inherent in the first executive officer of every country, because he is the representative of the sovereignty of the people, and their organ for the exercise of that sovereignty in any country where the Governor may be at the time of conviction, until such conviction and sentence shall have been certified to him, in order that he may grant a reprieve or pardon. Should he deem it proper to carry it farther than to places where the Governor actually is, it would be improper, in this extended country, where communication with the different parts is so difficult and tedious, and would occasion a delay between conviction and execution which would take off much of the effect of the punishment. As an example. I do not know whether the laws passed in this Territory, during the last session of the legislature, have yet been under the consideration of Congress. Some of them are very much complained of, particularly the fee-bill, and the act for licensing retailers of merchandise. As to the fee-bill, I will endeavor to have it amended, but it is extremely doubtful whether I shall succeed or not; and if it is not amended it would, I believe, be proper that it should be disapproved of, for, in the first place, the fees allowed to every important officer, as that of the Judge of Probate, for example, will not, I am informed, with extreme diligence, pay them at the rate of a common laborer, where they are employed; and, in the second place, by affixing fees to certain services, as that of issuing blank writs, under seal, a legal countenance, if not approbation, is given to a most mischievous practice. As I did not see those laws before my arrival in the Territory, I have not had time to give them a careful perusal; indeed, not to read them all, but I shall do it, and in case they should appear to militate against either the interest of the United States or the people of the Territory, if you will give me leave, I will submit to you my observations, and it is to you, I believe, that the laws are referred for consideration before they are laid before Congress.

I have the honor to believe that the form had been chosen, and the words, during pleasure, left out merely to render it more acceptable, as it would not call up the idea of their dependence on the Executive every time they looked at it, but with the full knowledge of its effect; that during the temporary government no commission during good behavior would be granted by the Governor, who, as the organ of the United States, was precisely in the same situation, and he could not convey to others powers of more extensive duration than he himself possessed.

WILLIAM ST. CLAIR TO GOVERNOR ST. CLAIR.

KASKASKIA, *June 2d*, 1793.

Sir:—I should be unwilling, by Mr. Minard, to omit doing myself the honor of writing your Excellency, though I have nothing of any great importance to communicate at this time. As to the hostile Indians, we have been quieter these two years past than has been known for many years before. Last spring, a man of the name of Whitesides was wounded; it is generally thought he will die of his wound. The act was perpetrated by a single Indian, who was pursued and killed. The Indians have stolen a considerable number of horses, but we may always expect that will be the case as long as any Indians live within reach of the settlements.

The movements of the Spaniards seem to indicate something of consequence in this quarter. All their militia are furnished with arms and ammunition, and some of their militia officers put in pay as in actual service. Ordnance and artillery come in almost every boat from Orleans, and troops are expected at this quarter. It is said that some new galleys are on their way to be stationed along the river. Our militia in this country is in a wretched state, and no officer at the head of it has any desire, it would appear, to put it on a better footing. The men will not perform their duty unless there were a few soldiers in the country to enforce obedience. Colonel Tardiveau is gone to Orleans, and many other officers are wanting. There has not been a review these eighteen months past, so that it would appear we have no organized government whatever. Our courts are in a deplorable state; no order is kept in the interior, and many times not held. Prairie Du Rocher has had no court this sometime, and Kaskaskia has failed before. The magistrates, however, have taken upon themselves to set it going again. I think they will again fail. The prospect is gloomy.[1]

GOVERNOR ST. CLAIR TO ALEXANDER HAMILTON.

CINCINNATI, COUNTY OF HAMILTON, *Aug. 9th*, 1793.

Dear Sir:—I have observed with pleasure the measures that have been pursued to make it more apparently the interest of the western counties[2] to comply with the Excise Law. It was their real interest before the opposition began with the distillers, who were in a combination against the people, but it has been fostered since by others, and for very bad purposes. To assist you the little that may be in my power, I will, if possible, procure a law at the next session of the legislature forbidding the importation of all ardent spirits into the Territory, the duties upon which have not been either paid or secured; and if I should fail in it, Congress, I suppose, will not leave this country open as a market for those who choose to disobey their laws; and I mention it to you, that you may think of it and put it in train if it meets your approbation. Indeed, were I to succeed, I should be glad even to see the law disapproved, and another enacted to the same purpose by Congress, for it is already time that this country should be kept in mind that we are not yet a part of the Union, but dependent upon it.

---

[1] The remainder of this letter is of no special consequence, but I note the following statement in regard to prices: "Your Excellency may remember the extravagant prices of every article in this country. First, the article of clothing is at least six hundred per cent. above the price at Philadelphia; and, next, provisions are ten times higher than at any seaport in America, as, for example, flour per cwt. $6; pork per cwt. $20; beef, $15.50; bacon, $30; coffee par lb. $1.50; sugar per lb. $1; molasses per gal. $4."

[2] Western counties of Pennsylvania, where the whisky insurrection occurred.

I have heard that we are threatened with a war with Spain. I hope we shall not be involved with any of the European powers, for at present a war with one is nearly allied to a war with others, if not all; but if the business were settled on the continent, and those cursed Indian wars at an end (of which I have little hope) to the western people it would be the most desirable thing possible. I have a letter from Kaskaskia of the 2d of June, which speaks of the Spaniards arming themselves on the upper part of the Mississippi, and I have given an extract from it to the Secretary of War, which will be communicated to you should he think it of consequence enough. The person is a respectable and intelligent man, and would not give me information he did not credit himself. When he resided at Detroit, I received much useful intelligence through him.

In compassion to a poor devil banished to another planet, tell me what is doing in yours, if you can snatch a moment from the weighty cares of your office. Whether you do so or not, I shall always find myself deeply interested in your fame and fortune. I pray you to make my best respects to Mrs. Hamilton, and with the best wishes I can possibly form, I am truly and affectionately, etc.

GOVERNOR ST. CLAIR TO LUKE DECKER.

CINCINNATI, *Oct.* 11, 1793.

Sir:—I have again been considering the subject of slavery as it stands with us according to the Ordinance of Congress for the government of the Territory, and I am more and more confirmed in the opinion which I expressed to you, viz:

That the declaration that there shall be neither slavery nor involuntary servitude in the said Territory otherwise than in the punishment of crimes whereof the party shall have been convicted, was no more than the declaration of a principle which was to govern the legislature in all acts respecting that matter, and the courts of justice in their decisions upon cases arising after the date of the Ordinance, which is the 13th day of July, 1787, but could have no retroactive operation whatever; and the grounds upon which that opinion is founded are—that, in the first place, retroactive laws being generally unjust in their nature have ever been discountenanced in the United States, and in most of them are positively forbidden;

and that slaves being a species of property countenanced and protected in several of the States, and in that part of the Territory which you inhabit, by the ancient laws, and had been acquired under those laws, Congress would not divest any person of that property without making him a compensation, though they doubtless had a right to determine that property of that kind afterwards acquired should not be protected in future, and that slaves imported into the Territory after that declaration might reclaim their freedom. And this I take to be the true meaning and import of the clause of the Ordinance, and when I was in the Illinois country I gave the people there my sentiments on this subject in the same manner, which made them easy.

With equal justice might Congress declare all the slaves in the Southern States to be free, without making the owners any satisfaction, which I believe no person ever thought they had a right to do. But the sense of Congress is very well to be known on this subject, by what they have actually done, viz: by making it unlawful to import into any of the States any negroes after a certain specified time, and which is yet to come, so that if any person after the arrival of that period should import a cargo of negroes, there is no doubt that they would all be free, while those that were in the country before remain in slavery according to the former laws.

This I believe to be the true construction of the Ordinance, but I will endeavor to obtain the opinion of the judges upon the point, and transmit it for the satisfaction of the people. In the meantime, it will not be improper that they should be made acquainted with mine.

THOMAS JEFFERSON TO GOVERNOR SHELBY.

GERMANTOWN, *November* 6, 1793.

Sir:—I have received from the representative of Spain here, information of which the following is the substance: That on the 2d of October, four Frenchmen, of the name of LaChaise, Charles Delpeau, Mathurin and Signeux, set out in the stage from Philadelphia for Kentucky; that they were authorized by the Minister of France here to excite and engage as many as they could, whether of our citizens or others, on the road or within your government, or anywhere else, to undertake an expedition against the Spanish settlements within our neighborhood, and in event to descend the Ohio and Mississippi and attack New Orleans, where they expected some naval co-operation; that they were furnished with money for these purposes, and with blank commissions, to be filled at their discretion. I inclose you the description of these four persons, in the very words in which it has been communicated to me.

Having laid this information before the President of the United States, I have it in charge from him to desire your particular attention to these persons, that they may not be permitted to excite within our territories, or carry from thence any hostilities into the territory of Spain. For this purpose, it is more desirable that those peaceable means of coercion should be used which have been provided by the laws, such as the binding to good behavior these, or any other persons exciting or engaging in these unlawful enterprises, indicting them, or resorting to such other legal process as those learned in the laws of your State may advise. Where these fail, or are inadequate, a suppression by the militia of the State has been ordered and practiced in other States. I hope that the citizens of Kentucky will not be decoyed into any participation in these illegal enterprises against the peace of their country by any effect they may expect from them on the navigation of the Mississippi. Their good sense will tell them that it is not to be affected by half measures of this kind, and that their surest dependence is on those regular measures which are pursuing and will be pursued by the General Government, and which flow from the united authority of all the States.

GOVERNOR ST. CLAIR TO GOVERNOR SHELBY.

CINCINNATI, *7th November*, 1793.

Sir:—I have received pretty direct information, which I think necessary to communicate to you, that General Clarke has received a commission from the government of France, and is about to raise a body of men in Kentucky to attack the Spanish settlements upon the Mississippi. Should a business of this kind be prosecuted, the nation would probably be involved in very serious difficulty, as well as the country over which you have the honor immediately to preside.

It would appear that some measures to counteract it should be taken immediately, more especially if it be true, what report says, that a large sum of money, a paymaster, and a number of French officers have arrived at the Falls of Ohio, and a number of boats for the expedition already actually laid down. There can be no doubt, a matter of this kind would not escape your vigilance, but as I got the account of it in a manner that would not, probably, reach you, I thought it a duty to give it over, which must be my excuse for troubling you at this time.

I am sorry, sir, that the first time I have occasion to write to you I am obliged to do it by another person. I am so ill as not to be able to write at all.

GOVERNOR ST. CLAIR TO THE SECRETARY OF WAR.

[*No date or place.*]

The letter you did me the honor to write me from Germantown on the 9th November, came to hand on the 2d instant. I had, some time ago, received information of an enterprise being intended against the Spanish settlements, to be conducted by General Clarke, from Kentucky, of which I gave information to the Secretary of State and to Governor Shelby, and recommended to the last to take some measures to prevent the execution of it.

The Frenchmen you mention, I have heard, are in Kentucky; and it is not improbable they may attempt to induce some of the inhabitants of the Illinois country, to prevent which I have issued a proclamation requiring them to observe a strict neutrality toward Spain, and warning them against the said Frenchmen. I must beg leave to observe, that whatever aspect the design may have assumed, it is impossible to prevent it by the militia of this Government, for the settlements are so distant from each other, and so weak in themselves, that the small numbers which could be collected would be inadequate, and most probably collected too late, if it was necessary. But I shall direct the civil and military officers to use every means in their power to prevent any of the inhabitants from joining the said Frenchmen; and, although I doubt not you have made the same communications to General Wayne which you have done to me, I shall transmit to him a copy of that part of your letter in which you desire me to request the assistance of the officer commanding the troops of the United States in the effectual suppression of the design, and shall suggest to him that it may be proper to order the officer commanding the horse which are now in Kentucky to furnish such assistance to Governor Shelby as he may require for that purpose.

A PROCLAMATION.[1]

Whereas, a war at present exists in Europe between France, on the one part, and certain other powers on the other part, and although the

---

[1] Within a month after the proclamation of Governor St. Clair was issued, the following public notice from General George Rogers Clarke appeared,

and was printed in the same number of the "Centinel of the North-western Territory."

CINCINNATI, *January* 25, 1794.

George R. Clarke, Esq., Major-General in the army of France, and Commander-in-Chief of the French Revolutionary Legions on the Mississippi River:

PROPOSALS

For raising volunteers for the reduction of the Spanish posts on the Mississippi, for opening the trade of the said river, and giving freedom to its inhabitants, etc.

All persons serving the expedition to be entitled to one thousand acres of land; those that engage for one year will be entitled to two thousand acres; if they serve two years, or during the present war with France, they will have three thousand acres of any unappropriated land that may be conquered. The officers in proportion pay, etc., as other French troops. All lawful plunder will be equally divided, agreeably to the custom of war. All necessaries will be provided for the enterprise, and every precaution taken to cause the return of those who wish to quit the service, as comfortable as possible, and a reasonable number of days allowed them to return, at the expiration of which time, their pay will cease. All persons will be commissioned agreeably to the number of men they bring into the field. Those that serve the expedition will have their choice of receiving their lands or one dollar per day, G. R. CLARKE.

Despite his frequent and severe attacks of illness during 1793, Governor St. Clair was very attentive to the wants of the inhabitants of the Territory, and gave a great deal of time in aiding General Wayne to form his army for the final expedition against the warlike Indians. These movements and negotiations for peace will be found described in Volume I, ch. vii. For details of official transactions, the student of history is referred to the manuscript records of the proceedings of the Governor of the Territory North-west of the Ohio.[1]

---

(1) OFFICIAL RECORDS, 1793.

January 29th.—Lieutenant John Wallace promoted to captain, *vice* Ludlow, resigned.

Celadon Symmes, ensign, *vice* Benham, resigned.

Robert Buntin appointed captain, and James McConnel, lieutenant.

Abner M. Dunn was appointed Register of Deeds for Hamilton County, *vice* William Burnet, removed from the Territory; and James Johnson, Treasurer of the County of Knox, *vice* Paul Gamelin, deceased.

February 1st.—Benjamin Orcutt appointed lieutenant in the First regiment of Hamilton County, *vice* Newell, killed; and Ignatius Ross, ensign, *vice* Miller.

February 5th.—A new commission for a Court of Common Pleas, Hamilton County, was made out, specially naming therein William Goforth, William Wells, William McMillan, John S. Gano and Aaron Cadwell. This commission was refused by the Judges, who, on the 9th of February, returned it through Mr. Ludlow. The commission had been made out to read, "During the pleasure of the Governor." In the letter returning it, the Judges said that they "would not stoop to the indignity of holding office the tenure of which is during pleasure," and that they preferred the commissions of Justices of the Peace to the first seat in government "during pleasure." Secretary Sargent replied at length, saying that the tenure in the commission

United States are allied to France, yet they are not parties in this

---

was the same as in commission of the Governor and his own, namely, during the pleasure of the President; and that they had only two options, either to accept or reject the commission. The judges did neither; they continued to carry on the court under the original commission issued by Governor St. Clair. Such a commotion was created by this, and by the difficulties between Secretary Sargent and Judges Symmes and Turner, that Governor St. Clair hastened back to his government to quell the storm. How he effected it, will be shown by the correspondence above.

June 18th.—A proclamation was issued prohibiting the cutting or carrying away of timber on Government lands. On same day, George Gordon was appointed Coroner, *vice* Buntin, resigned.

July 3d.—James Barrett was appointed Justice of the Peace.

July 22d.—The Judges of Knox County were called on to enforce the law prohibiting the sale of intoxicating liquors to Indians. Henry Vanderburgh, J. F. Vigo and Robert Buntin were appointed a committee to take charge of the business, and to supply Indians visiting Vincennes such quantity of spirits as should seem to them proper.

July 23d.—Ezra Freeman was appointed United States Attorney for Hamilton County, *vice* Dunn, resigned.

July 25th.—Governor St. Clair, who had returned to the Territory, issued the following

PROCLAMATION:

WHEREAS, The circumstances of the Territory require a meeting of the Legislature at as early a period as conveniently may be, I have thought proper to issue this, my proclamation, requiring the Legislature of the said Territory to meet at the town of Cincinnati, in the County of Hamilton, on the first day of September next ensuing, of which the members respectively are hereby directed to take notice, and govern themselves accordingly.

Given under the hand and seal of the Governor, at Marietta, the 25th day of July, 1793.

August 6th.—The Governor, having adjusted the difficulty with the Judges of Hamilton County, re-commissioned them.

August 9th.—Absolum Martin appointed Justice of the Peace for Washington County, and Winthrop Sargent was authorised to administer the oath to all officers prescribed by act of United States.

August 14th.—Nathaniel Massie was appointed Justice of the Peace for Hamilton County.

September 12th.—*Public Notice by the Governor:* The Commander-in-Chief [General Anthony Wayne] of the army, having communicated the information by him received, viz: that the negotiations with the hostile Indians, for the purpose of establishing peace, were broken off without that purpose being effected.

The Governor has thought proper to notify the same to the inhabitants, that they may be upon their guard against any attempt which may be made upon them by the said Indians; and the militia officers are directed to be diligent and exact in fulfilling the duties required by law, and to attend, in a particular manner, to the inspection of the arms and accouterments of the respective companies.

September 19th.—John Stites Gano was appointed prothonotary of the Court of Common Pleas and clerk of the Court of General Quarter-Sessions of the peace for Hamilton County, *vice* Samuel Swan, deceased.

September 21st.—The Governor issued a proclamation, setting Wednesday, the 25th inst., apart to be observed as a day of fasting and prayer, imploring the aid and blessing of Divine Providence with the army of the United States, about to march against the hostile tribes of Indians.

October 1st.—John Armstrong, of Columbia, appointed Justice of the Peace of Hamilton County.

October 10th.—John Westfall, Coroner of Knox County, *vice* Christopher Wyant, and Christopher Wyant, Sheriff, *vice* John Small, resigned. Robert Buntin, gentleman, Register and Notary Public for same county, *vice* John Mills, removed.

The Governor issued a proclamation that authority had been given to Luke Decker war, but are at peace with the other powers, and particularly with Spain, from which political situation results by the laws of nations, the duties of an exact neutrality and a conduct perfectly equal and impartial towards all the belligerent powers, the observation of which neutrality has been enjoined upon the citizens of the United States by the President, in his proclamation of the 22d April, 1793. And it having been communicated to me through the Secretary of War, that the representatives of Spain have made representations to him of the designs of certain Frenchmen by the names of LaChaise, Charles Delpeau, Mathurin and Signeux, to excite and engage as many as they could, whether your citizens or others, to undertake an expedition against the Spanish settlements within our neighborhood, I have thought fit to issue this Proclamation, requiring all the inhabitants of the Territory of the United States north-west of the Ohio, and they are hereby required and commanded to observe a strict neutrality towards Spain, to abstain from every hostility against the subjects or settlements of that crown, and forbidding all and every of the said inhabitants to join themselves to the said LaChaise, Charles Delpeau, Mathurin and Signeux, or either of them in any attempt they may meditate against the Spanish settlements on the Mississippi, or to aid or abet them in the same in any manner whatever; and all persons who may offend may depend upon being prosecuted and punished with the utmost rigor of the law. And I do hereby require and command all officers, civil and military, to use their utmost endeavors to prevent the said LaChaise, Delpeau, Mathurin and Signeux, or either, from making any levies of men, or other preparation within the Territory, and to imprison them should they have the audacity to attempt it, and to restrain all and every of the inhabitants from joining themselves to them or either of them.

---

to administer oaths, as prescribed in the Act of Congress, to the Sheriff and Coroner of Knox County.

October 19th.—John Green appointed Captain of the First Regiment of Hamilton County, *vice* Robert Buntin, removed to Vincennes.

Davies C. Orcutt, Lieutenant and Adjutant, *vice* McConnel, resigned. Samuel Creigh, Ensign; John Schooly, Ensign; Stephen Reeder, Lieutenant, *vice* Vance, removed, and James Lyon, a lieutenant.

October 28th.—John Armstrong appointed Judge of the Court of Common Pleas.

October 29th.—The Governor directed Lieutenant-Colonel Spencer to mount patrols in Cincinnati, Columbia and North Bend every night to protect the inhabitants from surprise from Indians, of which the people were apprehensive, while General Wayne's army was moving into the Indian country.

November 13th.—John Mercer, Esq., appointed Justice of the Peace of Hamilton County.

December 7th.—The Governor issued a proclamation commanding a strict neutrality to be observed towards the crown of Spain, and other powers not at war with the United States.

In testimony whereof, I have caused the seal of the Territory to be affixed to these presents, and signed the same with my hand. Done at the city of Marietta, in the county of Washington, the 7th day of December, 1793, and of the Independence of the United States the eighteenth year. ARTHUR ST. CLAIR.

JUDGE TURNER TO GOVERNOR ST. CLAIR.

VINCENNES, *June 14th*, 1794.

Sir:—I had not been long here before I discovered that some abuses had taken place through the artifices of certain individuals, one of whom is Henry Vanderburgh, Esquire, judge of probate and a justice of the peace; another is Captain Abner Prior, of the army.

As it is my determination to impeach Vanderburgh before the Territorial Legislature, I mention it here, lest the party accused should try to elude the punishment that may await him in case of conviction, by offering your Excellency his commission as judge of probate. I pledge myself to produce satisfactory proofs of his guilt.

With respect to Captain Prior, I must observe that, for some time past, he has acted an extraordinary part. He terms himself agent for Indian affairs on the Wabash, and assumes powers that may interfere with those which belong to the Superintendent of Indian affairs. This assumed agency has, I conceive, been exercised in a manner derogatory to the dignity and prejudicial to the interests of the United States. It appears, in short, to have been hitherto a system of job-making for the sole benefit of Vanderburgh and Prior. The inclosed papers may throw some light on the matter.

In addition to what I have already observed, it may not be improper to mention that certain persons here have lately been guilty of a violent outrage against the laws. They were employed by Vanderburgh to seize and forcibly carry away two negroes, a man and his wife, who are free by the Constitution of the Territory, and who, being held by him as slaves, has applied to me for the writ of habeas corpus, [out] in affirmance of their freedom. The outrage was accompanied with some acts of cruelty toward the unfortunate blacks. I have caused several of the offenders to be apprehended, but others of them were encouraged by Vanderburgh to resist the execution of process, and in one instance this was actually done by drawing a knife upon the sheriff. Such of the offenders, however, as were not taken have since surrendered themselves, and, full of contrition for their misconduct, have amply exposed the machinations of Judge Vanderburgh in this nefarious business, and who now appears to have been the instigator of the resistance that was made. There is reason to believe that Prior was privy to and aiding in this transaction.

The very long absence of Mr. Samuel Baird, prothonotary and clerk for this county, has been represented to me by the magistrates as a great grievance. His brother was, it seems, deputed to act for him, but has delegated his duties to Vanderburgh, and in this there is certainly an impropriety, for the latter is a magistrate. Besides, he has committed frequent abuses, as acting prothonotary, by issuing blank writs, which the plaintiffs are left to fill up in what manner they please, and there is no legal character here to advise them how to do it. The French inhabitants, I mean such of them as yet hold their land rights, for by far the greater part, having neither patience nor, as they say, much confidence left in the promise of Government, have sold their rights for little or nothing—such inhabitants, I say, express the greatest anxiety to see Mr. Baird, or some other surveyor, in order that their respective lands may be laid off and ascertained. For the want of this, numbers of the poor people are obliged to rent the soil of their neighbors.

GOVERNOR ST. CLAIR TO THE SECRETARY OF STATE.

[*Without place or date*], 1794.

Sir:—I am sorry to see, from the public papers, that the French Minister has been the occasion of uneasinesses in the Atlantic States, and I think it my duty to apprise you that, from information I have received, it is probable his machinations are not confined to those States, but extend to this country also. The report, as I have it, is that he has made propositions to General Clarke to raise a body of men in Kentucky, and attack the Spanish settlements in Louisiana, and that, as soon as he was able, two ships of the line and three frigates should be sent into the Mississippi to co-operate with him, and that he (the Minister) counted upon the general rising of the French inhabitants. The communications between the Minister and General Clarke pass, it is said, through a Mr. Micheau, at Lexington, a person who gives out that he is employed by you to gather materials for a natural history of this country. It is farther stated that General Clarke has come into the project, provided two thousand dollars are advanced him, of which Mr. Micheau has given him assurances.

I think that circumstances and the state of the public mind are such as to enable any agent Mr. Genet may have in that part of the country to consummate a scheme of invasion. There would be no lack of leaders. The navigation of the Mississippi which the people so ardently pant for, and which they are very little prepared to avail themselves of, even if it were free, would seem to be within grasp, and they will shut their eyes to the difficulties until too late to draw back, and the mischief to the whole country be done.

General Wayne marched from hence this day week, and had the finest weather one ever saw; not a drop of rain, and no frost as yet. . . . . It is reported that the Indians are assembled about a thousand strong near the same place where they met me. There is every reason to hope that he will give a good account of them, and that peace may be restored upon good terms, for which I do most fervently and sincerely pray.

SECRETARY SARGENT TO CAPTAIN PIERCE.

CINCINNATI, *September 8th*, 1794.—6 o'clock P. M.

Sir:—Since I parted from you I have too sufficient reason to believe that attempts *may*, indeed, *will* be made upon the lives of the Choctaw Indians this night; and, although I have ordered out a militia guard, and shall make every possible exertion to prevent mischief, it appears to me that it can not be done unless you take the Indians into the fort immediately.

I, therefore, presume thus, in writing, to reiterate my advice, and stand exculpated under all possible circumstances.[1]

---

[1] The following militia order was also issued:

Twenty privates from the militia, with the due complement of non-commissioned officers, to be paraded immediately, at Mr. Cutter's, near the church-yard. Major Gano will command this party, and make such dispositions as shall seem best calculated to establish and preserve order at Cincinnati, and afford protection to the Choctaw Indians.

Colonel Sargent, with the civil officers of the town, and some private gentlemen, will reinforce this guard at an early hour.

WINTHROP SARGENT,
Commanding the Militia.

The lawlessness of the mob in Cincinnati was certainly very great, for

SECRETARY SARGENT TO JUDGE McMILLAN.

CINCINNATI, *Sept. 8th*, 1794.—4 o'clock, P. M.

Sir:—It has been represented to me that great violence has been committed upon a party of Choctaw Indians under the protection of the laws of the Territory, by a number of men of the town of Cincinnati, armed with clubs, etc.

I wish you, immediately upon receipt of this, to pursue the most prompt, necessary, and legal measures to correct and prevent the reiteration of such outrages, for the lives, not only of the said Indians, but of some of the inhabitants *also*, may be sacrificed by delay.

I mention to you the name of a Mr. Hopkins for particular information in this unfortunate affair.[1]

---

not only were the friendly Indians assailed with clubs and stones and guns, but two balls were fired into the dwelling of Secretary Sargent, and for several nights violence ran riot in the streets of the town. The county court paying no attention to the matter, when the United States court met, the Secretary addressed a communication to Judge Putnam, reciting the facts and asked for a special inquiry. He also said that, unless the hatred of the old pioneers against the Indians could be controlled, it would lead to serious consequences.

[1] A curious illustration of the feelings of the old citizens of the Territory at this period towards the Indians, and of the difficulties which Governor St. Clair had to encounter to preserve peace and the lives of the inhabitants, is afforded by an advertisement which was issued by citizens in the Miami Purchase in 1794. It was as follows:

PUBLIC NOTICE.

Whereas, many good citizens of this Territory, with a design to check the incursions of hostile Indians now at war with the people of the United States, have voluntarily entered into and subscribed their names to certain articles; each name having a sum annexed thereto, and have severally bound themselves, their heirs, etc., to pay the same, as in the said articles are mentioned:

We, the subscribers, therefore, being nominated and appointed to superintend the business of collecting and paying the money thus subscribed, hereby give notice that the following arrangement is made for the reward to be given for Indian scalps, to be taken and produced within the period of the 18th day of April last past, and the 25th day of December next ensuing, and within the boundaries following, to wit: Beginning on the Ohio, ten miles above the mouth of the Little Miami, on a direct line thence northwardly, the same distance from the said Miami, until it shall extend twenty-five miles above where Harmar's trace first crosses the said Miami; thence,

SECRETARY SARGENT TO THE SECRETARY OF STATE.

CINCINNATI, TERRITORY OF THE UNITED STATES
NORTH-WEST OF THE OHIO, *November* 20, 1794.

Sir:—Upon the 6th instant, was apprehended at this place Christopher Cunningham and one of the inhabitants by the name of Daniel Duffy, for "aiding and comforting the insurgents of the western counties of Pennsylvania, contrary to the President's proclamation," and compelled to enter into recognizance in the sum of five hundred dollars each, to answer the same at the general court of this Territory.

At the same time, warrants were issued for Hugh Huffman, John McClure, John Taylor, and James Templeton, all of whom, together with Cunningham, are from Washington county, Pennsylvania, and by force of arms opposed the taking of the Mr. Bradford, an insurgent, from on board a boat upon the Ohio, some few days ante-

---

due west, crossing the said Little Miami, until it shall extend ten miles west of the Great Miami; thence, southwardly, keeping the distance of ten miles from the said Great Miami, to the Ohio; thence up the middle of the said River Ohio to the beginning; that for every scalp, having the right ear appendant, of the first ten Indians who shall be killed within the time and limits aforesaid by those who are subscribers to the said articles, shall, whenever collected, be paid the sum of *one hundred and thirty-six dollars;* and for every scalp of the like number of Indians, having the right ear appendant, who shall be killed within the time and limits aforesaid, by those who are not subscribers, the *Federal troop* excepted, shall, whenever collected, be paid the sum of *one hundred dollars;* and for every scalp, having the right ear appendant, of the second ten Indians who shall be killed within the time and limits aforesaid by those who are subscribers to said articles, shall, whenever collected as aforesaid, be paid the sum of *one hundred and seventeen dollars;* and for every scalp, having the right ear appendant, of the said second ten Indians who shall be killed within the time and limits aforesaid, by those who are not subscribers to the said articles, except before excepted, shall, whenever collected, be paid the sum of *ninety-five dollars.*

Cincinnati—
LEVI WOODWARD,
DARIUS C. ORCUTT,
JAMES LYONS,
Columbia—
WILLIAM BROWN,
IGNATIUS ROSS,
JOHN REILY,
Committee.

cedent to the 5th; protected him as far as this place, and aided him to pass down the river.[1]

GOVERNOR ST. CLAIR TO JUDGE TURNER.

MARIETTA, *December 14th*, 1794.

Sir:—I have lately been honored with a letter from you of the 14th of June last, covering certain papers relating to Captain Prior and Mr. Vanderburgh, through the Secretary of State. It gives me pain that you should meet with any obstruction in exercising the functions of your office, but I must feel it more sensibly when that obstruction proceeds from any officer of the Government. Mr. Vanderburgh, I am a perfect stranger to, but he was recommended to me as the most proper person in that country to fill the office he now holds, and you are very sensible how difficult it is to find persons in a new country who are duly qualified for any office; yet that nor any other consideration will ever induce me to continue a man who does not discharge his trust with fidelity. I would have wished, sir, that you had hinted at the nature of the abuses he has been guilty of.

If they are such as are punishable by law, upon being informed, I will direct a prosecution, which I believe is the only mode, and that may be done, if I mistake not, as well after removal from office as during the incumbency. As to any impeachment before the Territorial Legislature, I would take the liberty to suggest to you that they have no power to try impeachments. If Mr. Vanderburgh has been guilty of abuses in his office (and I am sure you would not accuse him without just grounds), it is improper that he should continue in it one moment beyond what can be avoided. I must, therefore, request that you will, as soon as may be, furnish me with the charges against him, and a summary of the proofs that may have come to your knowledge, and it shall be instantly reviewed, and prosecution ordered against him, if the offense be indictable.

Captain Prior, or his Indian agency, I know nothing about, but as I have heard that he is with the army, that business I suppose is over. As he was not of my appointment, I am ignorant both of the nature and extent of the authority he may have been clothed with; the papers referred to are of no use to me, and I have returned them to you inclosed.

---

[1] At the time (the midnight of the 5th), upon information received at a late hour, the Secretary directed Captain Pierce, of Fort Washington, to send out twelve soldiers, under a trusty officer, to assist the sheriff in apprehending the persons who assisted Bradford to escape.

The arresting of some of the persons who resisted the sheriff, and the submission of others, will, probably, put an end to any further attempts of that nature, but the affair of the slaves is, I am afraid, a source of discontent that will not very soon be stopped.

Permit me, sir, to offer you my opinion upon the subject, which is shortly this: that the declaration in our Constitution, that there shall be no slavery nor involuntary servitude in the Territory, applies to, and can be taken advantage of only by, those slaves who may have been imported since the establishment of that Constitution. Slavery was established in that country when it was under the dominion of France. It was continued when it fell under that of Great Britain; and, again, under Virginia, a part of the Territory of which it was considered by that State until the cession thereof made to Congress; and whether that construction of the State was ill or well formed, the acceptation of the cession by Congress confirmed it to all intents and purposes; and there is also a clause in that cession about continuing to the ancient settlers, and those who had settled under Virginia, the benefit of their ancient laws and customs. As I have not the act of cession of that State by me at present, I can not give you the words. Slaves were then a property acquired by the inhabitants conformably to law, and they were to be protected in the possession of that property. If so, they are still to be protected in it. So far as it respects the past, it can have no operation, and must be construed to intend that, from and after the publication of the said Constitution, slaves imported into that Territory should immediately become free; and by this construction no injury is done to any person, because it is a matter of public notoriety, and any person removing into that Colony and bringing with him persons who were slaves in another country, does it at the known risk of their claiming their freedom; whereas, on the other hand, had the Constitution the effect to liberate those persons who were slaves by the former laws, as no compensation is provided to their owners, it would be an act of the Government arbitrarily depriving a part of the people of a part of their property—an attempt that has not been made and would not be submitted to, and is not to be drawn from the mere construction of words. I have troubled you with my thoughts upon this subject, because I have heard that there is great agitation among the people respecting it; and they should be set at rest, because it was formerly brought before me by some of these people to whom I gave my opinion nearly as I have now stated it to you.

Whether the French inhabitants have confidence in the promises of Government or not, I am sure those at St. Vincennes have reason both for confidence and gratitude. Their lands—I have reason to believe all of their lands—have been laid off and ascertained long ago, and Congress took upon themselves the expense of surveying their ancient claims, which they were not bound to do, and have not done anywhere else. Their complaints on that score are without any foundation.

Mr. S. Baird has resigned the office of prothonotary and clerk of the peace, by letter, and another will soon be appointed. I have no doubt that it is an office to which a deputy may be constituted; it is, however, very certain that a deputy can not make a deputy. Mr. Baird's brother was, therefore, wrong in transferring the performance of the duties to Mr. Vanderburgh or any other person, and I should suppose your hinting it to him would induce him to resume them immediately. But as to blank writs: they are sanctioned by law. As the fee is settled for (among them) in the fee table, it would have been much more proper to have annexed a penalty.

A session of the Legislature is called for by the people, and is indeed very necessary. Judge Symmes is not in the Territory, and you are at so great a distance that I thought it next to impossible you could attend this winter. It is my intention to call it as early in the spring as possible—about the 1st of March, I think, when I hope you may be able to attend.

GOVERNOR ST. CLAIR TO THOMAS JEFFERSON.

MARIETTA, *December 14th*, 1794.

Sir:—By the order of Congress establishing the government of this Territory, the supreme judicial authority is vested in three judges, two of whom are necessary to form a court with power to decide in all matters without appeal; and by a law of Congress one of those judges (in the absence of others) is made competent to hold court and decide in cases also without appeal. Many representations have been made to me on this subject. The people very generally think it an unsafe situation which they are in; and, indeed, taking the matter abstractly, it can not be thought very eligible that the whole property of a country which may be the subject of law should be governed by the determination of a single judge, without the possibility of having that determination revised. Circumstances exist at present that render it dangerous. The principal settlements have been made in tracts of land purchased by certain companies or associations of persons; the first of those is the Ohio Company, and next the Miami Company. In both those associations the management of the directors and agents are thought to have laid the foundation of endless disputes. General Putnam has been the active director in the first association, and Mr. Symmes the principal, if not the sole, agent in the second; and they are both judges of the Supreme Court. Every land dispute will be traced to some transaction of the one or of the other of those gentlemen, and they are to sit in judgment upon them. It must, I think, be acknowledged that this is not a groundless cause of apprehension, for though they are both of firm character (and delicacy would prevent their decision in any case where they are themselves parties) the people have but a slender security for the impartiality of their decision. Interest hangs an insensible bias upon the minds of the most upright men. In the matters that are most likely to be litigated, in whichever of the associations they necessarily happen, there must be so great a similarity that, deciding in one by a judge who has no direct interest in the cause, may have, nevertheless, as direct and certain an effect in another where he is interested, as if he had determined his own cause. I believe it would be well, therefore, that the law empowering one judge were repealed, and that some mode were prescribed for bringing decisions in the Supreme Court here before the federal court, either by direct appeal, or by writ of error, or both, as the cases may require. It appears to me to be necessary for the purpose of rendering the people easy and safe; and there are political ends that would be clearly served by it, for there is perhaps nothing that contributes more to induce an affectionate submission to any powers than the habit of looking up to that power as the depository and dispenser of justice in the last resort.

I have thought it my duty to make you acquainted with the fears and wishes of the people upon this subject.

GOVERNOR ST. CLAIR TO JOSHUA COIT.

December 22, 1794.

Sir:—As you were last winter upon the committee which had the laws of the Western Territory under consideration, and I had the honor of some conversation with you on the subject of them, I have taken the liberty to trouble you again respecting them; and, as my opinion coincided with yours on the objection that seemed to have struck you with most force, on the best consideration I was able to give, it appeared to me, very clearly, that the temporary legislature had no power to make laws, but merely to adopt any of the acts of the original States that might be suited to the circumstances of the Territory. The judges, Parsons and Varnum (the third judge did not accept the appointment), were decidedly of a contrary opinion, and the point was battled, both verbally and in writing, for a considerable time. Most of my correspondence with them is on record, and a copy in the office of the Secretary of State. Neither of those gentlemen were in possession of the codes of the States, although three months of their respective salaries had been paid to them before they entered upon their offices, as a compensation for the time and pains the collecting of those codes would cost them. I had that of Pennsylvania only, to which they were averse. Here was a dilemma. Without laws, society could not exist; and, unless either they or I gave way, it could have none. Considering that they were both men of the law, my conclusion was that, how strong soever my conviction was, my construction must be erroneous, and I finally did give way, upon their consenting to use the word adopted instead of enacted. After the death of those gentlemen, and others being appointed, as the conviction that we were wrong was still strong, I endeavored to bring them to what I conceived to be the design of Congress; but I met with the same opinion, and an equal degree of obstinacy in or from them, which was a new inducement for me to go in the way we had begun, and, from an expression in the act of Congress empowering the territorial legislature to repeal any laws by them adopted or made, it was strongly urged that the power of making laws was plainly implied, and from that time the style of our laws changed from adopted and published to enacted and made. The concurrent sentiments of two sets of judges, all of them men of the law, put an end to any further objections on my part, and, though not convinced, I supposed that I must have been in error.

I am not sure, sir, whether the committee reported last spring or not. If we have been, however, all along in a wrong train, it is very necessary that a stop should be put to our going further in it; and, if we are in the right road, it is still necessary that those laws which have not yet been passed upon by Congress should be considered. I had the honor to mention to you many objections which appeared to me to have sufficient weight to induce their being disapproved, and I have, since my return to the Territory, had many representations made to me on the subject of some of them. Mr. Woodbridge, who is now in town, and known to you, will inform you how they are generally received, and it is of some consequence that the sense of Congress, if it could be had in that time, should be known before the next session of the legislature, which will be about the beginning of March. I beg you to excuse the trouble I give you, and to believe that I am with great respect, etc.

Governor St. Clair to Secretary Sargent.

Marietta, *December* 22, 1794.

Dear Sir:— . . . One or more of my letters to you must certainly have been miscarried, and yet, letters in the post-office should not miscarry. In that I wrote in answer to your last intention to cross the mountains (the date of it I have forgotten, but it is a great while ago), I gave you a rendezvous at this place as the ill state of my health rendered me unwilling to go down the river this winter, and it seemed to me that it would be convenient for you, being on your route to Philadelphia, to which place you had signified your intention of going in the course of the winter. After this letter was written and had been sent off, I was laid down by the gout at Pittsburgh, being then on my way, and with great difficulty got home again, where, after having tolerably recovered, I relapsed again, and at last, that you might not be disappointed, set out with the gout upon me, but fortunately received no injury, but rather the contrary, from the exercise.

I have now little hope of seeing you this winter, as it seems to be set in with a degree of severity that will probably soon render the river impassable. In this state of things it is impossible for me to go down, although, for many reasons, it is very needful that we should be together for some time at least; and, besides, as I informed you in my last (but one, I think), it is my intention to convoke the legislature at this place very early in the spring. Of this I have given Judge Turner intimation, but I shall send you a proclamation for this purpose by the next opportunity. Should you still hold your purpose of going to the seat of government, or should the weather be such as you can come up the river, I must remind you to bring the seal of the Territory, for there are several matters that require to be expedited that can not be done without it, particularly a great many vacant offices to fill up and new magistrates to be appointed. If you have any blank commissions to fill up, it would save the trouble of much writing were you to bring them with you. This part of the country furnishes no news, and any from Philadelphia and from abroad will reach you as soon as this, and I will, therefore, conclude with assuring you that I always am, with great regard, yours, etc.

Dec. 23d.—The mail arrived last night, but no letter from you. As it seems not unlikely that the communication between this place and Fort Washington will be interrupted for some time, I now inclose the proclamation, to which you will affix the seal and file it in your office, and send copies to different quarters, and, particularly, send one under cover to Judge Turner. I will take what is necessary here and above upon myself.[1]

---

[1] The successful termination of the war with the Indians improved the prospects in the Territory, and I observe, in looking over the leaves of Colonel Sargent's journal, kept for the Governor, that considerable was done in the way of organizing civil government.[1]

---

(1) OFFICIAL RECORDS, 1794.

July 8th.—Dean Tyler, gentleman, was appointed judge of the Court of Common Pleas, for Washington County, *vice* Robt. Oliver, resigned.

July 31st.—A proclamation for a fast on the 14th August was issued by the Secretary, who inclosed it to Lieutenant-Colonel Spencer, at Columbia, and requested him to "cause it to be read by Mr. Smith upon the next Sunday."

Sept. 8th.—Orders were issued for the protection of a number of Choctaw Indians who were returning from the Miami of the lakes, where they had been aiding General Wayne against the hostile Indians. These friendly Indians were assaulted by lawless men, and they took refuge in Fort Washington; in regard to which the Secretary issued a proclamation on the 10th.

Oct. 6th.—Captain Virgin, who commanded at North Bend, was instructed to remove the intruders from Government lands west of the Great Miami.

Nov. 1st.—Notice was given to the justices of the peace of the proclamation of the President forbidding citizens from aiding the insurgents of the western counties of Pennsylvania, who were resisting the execution of the excise law.

Nov. 5th.—Christopher Cunningham and Daniel Duffey, citizens of Cincinnati, were arrested, under the afore-mentioned proclamation, for aiding the escape of Mr. Bradford, an insurgent, into Kentucky. They were held in the sum of $500 each for future appearance.

Nov. 19th.—Timothy Symmes and Stephen Woods were commissioned justices of the peace for Hamilton county.

Nov. 22d.—Aaron Cadwell appointed commissioner for issuing licenses to merchants, retailers, and tavern-keepers, *vice* J. S. Gano and William McMillan.

Nov. 25th.—The following military appointments and promotions were made:

Lieutenant Wm. Rittenhouse to be captain; Robt. Wheeling, lieutenant; Garret Vanvile, ensign; Ensign Caladar Symmes, to lieutenant; Samuel Seward appointed an ensign; Lieutenant James Lyon promoted to a captain, *vice* Captain Wallace, removed, and Ensign Uzoe Bates to be lieutenant: Samuel Dick appointed an ensign; Lieutenant Darius C. Orcutt promoted to a captaincy, *vice* Captain Grier, removed; Ensign Jonathan Schooly to a lieutenant; John Riddle appointed an ensign, *vice* Creigh, removed; Seth Cutter an ensign, *vice* Schooly, promoted; James Cox, adju-

GOVERNOR ST. CLAIR TO THE SECRETARY OF WAR.

MARIETTA, *January* 1, 1795.

Sir:—In consequence of a letter from you to Colonel Sproat, of the 7th January, 1792, a certain part of the militia of the county of Washington was called by him into the service of the United States for the defensive protection of the different settlements in that county. The time for which that militia was engaged at this place, Belpre and Waterford, expired yesterday.

There is another party at Gallipolis, engaged for an indefinite term. Application was made to me to continue them for some time longer, and, although I am very far from thinking the settlements derive much security from the militia thus employed, yet, as the people believe them to be of the greatest use, and would now be extremely discontented at their being discontinued, and as there is reason to expect they can not long be necessary, even for quieting their minds, I have directed Colonel Sproat to call into service an equal number, to be employed at each of the above settlements, for two months longer, unless sooner discharged within that time. You will be able to countermand them, should it be thought improper. I have a doubt that, in this case, I may have been exercising a power which has been transferred to the Commander-in-Chief of the Federal troops, as by a letter from General Wayne to Colonel Sproat, of the 18th April, 1793, he observed that, on the 5th of March, in that year, he was "empowered to determine the strength and number of the garrisons upon the upper parts of the Ohio, and the number of scouts and spies that shall be admitted at the expense of the Union," etc. That letter, with yours above mentioned, were laid before me by Colonel Sproat yesterday, which was the first time that I was informed of his having received any authority in the case. "The strength and number of the garrison" is, doubtless, to be understood as such of them as are composed of the regular standing troops. But if the words "scouts" and "spies" include the militia, which, it seems, they supposed to be the case, and

---

tant, *vice* Orcutt, promoted; John Brown a lieutenant and adjutant, and Ensign Jonathan Bowman to a lieutenancy—promoted.

Nov. 27th.—Isaac Daxueille appointed United States attorney for Hamilton county, *vice* Ezra F. Freeman, resigned.

Dec. 6th.—Fine of $30 against Matthew Davenport remitted, on account of his good character and indigent circumstances.

Dec. 9th.—Governor notified Israel Ludlow, surveyor, that he forbade the survey of lands upon the Ohio and Mississippi Rivers for the benefit of individuals.

the power of providing, at the expense of the public, for the protection of the settlements by the militia be transferred to the commanding General, which is doubtless proper, yet the orders for such of them as may be wanted should, I presume, go through the executive authority of the Territory.

Timothy Pickering to Governor St. Clair.

War Office, Philadelphia, *March* 25, 1795.

Sir:—I have lately received a letter from Colonel Sproat respecting the militia employed for the defensive protection of Muskingum. This brought into view your letter of the 1st of January, which has remained unanswered. It was doubtless right to have continued them agreeably to your orders to Colonel Sproat; but, according to the expectation you then expressed, there is now reason to think that their services may be dispensed with. You must have been informed of the overtures of peace made to General Wayne in January last by six of the Indian tribes, and that the chiefs of other hostile nations were alike inclined for peace. At that interview, General Wayne entered into an agreement with them, in writing, for the suspension of hostilities until the treaty of peace could be negotiated, for which the time fixed was the middle of next June, at Greenville. On both sides, it was stipulated that notice should be given of any hostile enterprises. At the same time, some of the chiefs, I think, remarked, that possibly some of their young men in the woods might do mischief, but that this, he hoped, would not disturb the provisional pacification then agreed on, or prevent the wished-for final peace. Colonel Sproat informed me, in his letter of the 23d ultimo, that two days before, one of the inhabitants had been killed near Belpre. This was done, probably, by Indians who had been hunting, and were ignorant of the pacific measures before mentioned.

Upon the whole, considering the change of disposition in the Indian tribes, and in consequence of our negotiations with Great Britain, they will no longer be stimulated by British agents to continue their hostilities. I am inclined to think the services of your militia may be dispensed with, except of the woodmen employed as scouts. Such scouts, if properly selected, would, perhaps, at any time, have given greater security to your frontier than a vastly greater number of militia at permanent stations. But, notwithstanding what is here said, the actual state of things on your frontier may demand the services of some of the militia, as heretofore, and, therefore, I request your consideration of the matter, and that you would give such orders in the case as the reasonable protection of the inhabitants may require.

All that I have now advanced is on the supposition that General Wayne, to whom the regulation of the matter was formerly committed, may have given no orders relative to the protection of the settlements hereinbefore referred to since you wrote to the Secretary of War on the 1st of January last. Should his orders have arrived, or if, when they do arrive, they are to supersede the measures which may be taken consequent on this letter.

JUDGE SYMMES TO GOVERNOR ST. CLAIR.

MARIETTA, *March* 26, 1795.

Dear Sir:—This is the twelfth day that I have been waiting with great anxiety to see your Excellency; persuaded at length that you must be sick or seized with a fit of the gout, I think it useless to tarry longer at this place. I shall, therefore, return home.

There are, however, other considerations which aid my conclusions for returning, besides those of being disappointed in the pleasure of seeing your Excellency first.

I could not prevail on Colonel Sargent to accompany me up with the great seal, and he did not choose to send it by me, or by any other person, without your express order, and little or no business can be done without the great seal of the Territory.

Secondly—I learn by the newspapers that Congress has been calling in question our capacity as legislators, but on what ground is not pointed out; therefore, it is impossible for us to avoid like errors should we attempt to legislate; for, even though the Senate rejected the bill for annulling the laws of the Territory, yet we are left in a very awkward situation; we are suspected at least. Thirdly—Unless our legislative powers are already defined, either by Congress or by the judiciary of the United States, I am of the opinion that we shall but commit ourselves in our legislative capacity to attempt any thing further, either by adopting, extending or passing. Fourthly—I make no doubt that, in the course of a few months, your Excellency will receive communications from the Secretary of State on this subject which may set us right, perhaps, and surely, for the present, we had better not do than to do wrong. Fifthly—I have received several letters from the inhabitants of the county of Knox earnestly requesting me to come down and hold the Supreme Court in that county at the next term, which is in May; this I intend to do if I can procure an escort to conduct me thither, by land or water. If I stay longer here, I can not reach Vincennes in time for the court. Putting all these reasons together, I think your Excellency will justify my return to Cincinnati, where, whenever it shall be agreeable to your Excellency to make a visit, I shall do myself the honor to wait on you with the greatest of pleasure.

GOVERNOR ST. CLAIR TO COLONEL SPROAT.

MARIETTA, *April* 21, 1795.

Sir:—An agreement to suspend hostilities having been entered into by the Commander-in-Chief of the troops of the United States and the Indian nations which have been at war, and a strong probability existing it will be improved into a lasting peace, it has been thought unnecessary that the militia of the Territory employed for the defensive protection of the same should be continued in service. You will, therefore, be pleased to take the necessary measures that those drawn out from the county of Washington be discharged on the last day of the present month. It is to be observed that the woodsmen, employed as scouts, are not included in this direction; those are to be continued until further orders.

I congratulate you and all the inhabitants of the county, of whose zeal and alacrity in the service of this country I have a very high sense, on this state of things, and that, at the time when attention to rural labors is peculiarly necessary, they will be relieved from the fatigues of military service.

GOVERNOR ST. CLAIR TO SECRETARY SARGENT.

MARIETTA, *April* 28, 1795.

Sir:—I am once more returned to the Territory, and arrived at this place a few days ago. My absence, at the time when I had appointed a meeting of the legislature, must have surprised you, but I found it necessary to visit the settlements in the upper part of this county, and, having a large sum of money considerably at risk in the county of Westmoreland, I chose the time for that visit near to the session of that West court, to which from those settlements, I could go in a few days, and had calculated the whole time to be employed about five weeks. But the winter set in suddenly with such violence that, for a long time, it was impossible to return, had I been able to; but at Greensburg I was seized with the gout, and with difficulty got to my family, though but eighteen miles distant, where I was confined, in the most excruciating torment, to my bed for upwards of two months. About the beginning of March, when a little recovered, I attempted the journey and relapsed in consequence of it, and was confined two weeks at a miserable hovel by the way, notwithstanding which, though still lame and very feeble, I am in good health, and shall recover again for a little while. I purpose to set out for Cincinnati about the end of this week, or the beginning of next.

I found here your letters of the 23d and 27th—not yours of the 4th and 24th of January—and of the 14th of February. I have to regret that more than one letter I had written to you did not get to hand; they would have saved some trouble, as well as mortification, to both. The miscarriage of letters to and from me of late has been very extraordinary and unaccountable. I have also to regret that either my recollection or yours, with respect to my passing last winter at Muskingum, was not correct. As I observed to you, I expected to have met you there in consequence of what passed in conversation at Philadelphia—doubted not in the least that, though you were not arrived, you were on your way up—and looked for you eagerly and anxiously from day to day, until some person (I do not recollect now who it was) arrived from Fort Washington who had breakfasted with you the morning he set out, and informed me of your being there without any thoughts of leaving it. It was not till then that I wrote to you, because, supposing you on the river, any letter addressed to you at Cincinnati must have missed you. The prosecutions, however, those mistakes it seems have given rise to, need give you very little uneasiness, and as to the disposition of the people, you had it not to learn. I can not recollect any conversation (for a long time at least) on the subject of the seat of government, but I can remember that we both thought Marietta would not answer, and, in the present circumstances of the Territory, I still think so; but it was always my intention to keep it, so far as it depended upon me, unfixed till there should be an end of the Indian war, and the country be laid open for settlement; after which, it would probably be divided into more than one government, and if not, it would be easier to determine the most eligible place. While things remain in their present situation; while the establishments are so distant from each other, and the communications between them so difficult—where there is not a single road through the country—I believe it would be improper to fix upon any one place to which the inhabitants should be all, in certain cases, obliged to resort, and that it will be necessary, for some time to come, that both the executive and legislative parts of government should be ambulatory; neither do I think the transportation of the records any strong objections to it, as they are as yet far from being cumbrous. I doubt not but upon reflection you will recollect that this has always been my way of thinking. I promise you that it was neither pleasure nor emolument that led to it, but what appeared to me to be the interest of the inhabitants, for which the government was established. But if you think that I would have wantonly taken a a step which would involve you in difficulty or expense, which, from your frequently repeating the words *my pleasure* and your readiness to conform to it, it seems as if you had thought so, I can assure you that you wrong me. It is contrary to my disposition to treat any person in the world in that manner, but above all, a person whom I esteem as I do Colonel Sargent, whose convenience in every respect I shall always be ready to consult.

The letters of Mr. Vanderburgh[1] I returned to you, for I thought it would be more proper that he should address himself directly to the Secretary of State, that the complaint should be sent forward either by you or me, and I recommended that he should take that step. I hope and trust that you have received them. I have received a letter from the Illinois country from Mr. St. Clair, complaining of the very extraordinary treatment he has received from Judge Turner, and informing me that in consequence thereof he has written to you requesting to resign his offices. I hope you have not accepted his resignation, and I write to him to hold them, at least until some means to bring the judge to reason can be fallen upon. Should you be writing to St. Vincents, I wish you would ask for a certified copy of the presentments of the grand jury with respect to him.[2]

It appears to me, from the present view I have of matters, that I shall be obliged to visit the country immediately, to prevent, if it yet can be prevented, the subversion of all order, if not its total ruin. Adieu, my dear sir.

---

[1] These related to extraordinary proceedings of Judge Turner at Post Vincennes. The latter had carried matters with a very high hand, and had preferred charges against Vanderburgh. The result of his conduct there and at Kaskaskia, mentioned also in this letter, was the preferment of formal charges against the judge, which were laid before Congress, and by that body referred to Governor St. Clair.

[2] Judge Turner. The grand jury found a bill against him, and this accompanied the letter of Henry Vanderburgh, which had been forwarded to Edmund Randolph, Secretary of State.

GOVERNOR ST. CLAIR TO TIMOTHY PICKERING.

MARIETTA, *April* 28, 1795.

Sir:—I have received the letter you did me the honor to write on 25th March, and it gives me satisfaction that it has been deemed proper that the militia employed for the defensive protection of the inhabitants be discontinued, and that Colonel Sproat's letter had brought mine of the 1st of January to the late Secretary of War into view. Your letter, sir, was the first information I had of the agreement for a suspension of hostilities entered into by General Wayne and the hostile tribes of Indians,[1] but I had no doubt but

---

[1] General Wayne had, without notice to the Governor of the Territory, issued the following proclamation, which will have a curious interest to the reader:

[*By his Excellency Anthony Wayne, Esquire, Major-General and Commander-in-Chief of the Legion, and Commissioner Plenipotentiary of the United States of America for establishing a permanent peace with all the Indian tribes and the nations north-west of the Ohio.*]

A PROCLAMATION.

Whereas, I, the said plenipotentiary, in virtue of the power and authority in me vested, have entered into certain preliminary articles with the following tribes and nations of Indians, viz.: the Wyandots, Chepawas, Ottawas, Putawatomies, Miamis, Shawanoes, and Delawares, for a cessation of hostilities, and for the mutual exchange and surrender of all prisoners of every description, as well as for holding a general treaty for settling all causes of controversy, and for establishing a permanent peace between the United States and the aforesaid tribes of Indians, on or about the 15th day of June next ensuing.

Wherefore, I do hereby, in the name of the President of the United States, prohibit and forbid all and every person and persons from killing, insulting, or injuring any Indian or Indians belonging to the aforesaid tribes or nations, or either of them (unless in their own defense). And I do hereby, also forbid any party or parties, citizens of the United States, or either of them, from entering the Indian country north-west of the Ohio with hostile intentions (without permission, from the proper authorities first obtained), between this period and the end of the pending treaty, as they will answer a contrary conduct at their peril.

And to the end that the treaty may be carried into complete effect agreeably to the true intent and meaning of the preliminary articles, the said Plenipotentiary enjoins all and every person and persons having in his or that the Indian war was near an end, and I congratulate you, sir,

their possession any Indian prisoners, belonging to those or either of those nations, to surrender them and each of them at this place, on or before the said 15th day of June next, and for which reasonable expenses will be allowed by the public.

Given under my hand and seal, at headquarters, Greenville, this 22d day of February, one thousand seven hundred and ninety-five.

ANTY. WAYNE.

By order of the Commander-in-Chief,
WM. H. HARRISON,
Aid-de-Camp.

The Governor's official record shows what action he took to advise the people of the Territory of the promise of a peace with the Indians.[1]

---

(1) OFFICIAL RECORDS, 1795.

January—1st.—A proclamation of Governor St. Clair, dated at Marietta, December 23d, convening the Legislature at that place March 10th, was published.

April 20th.—John Wallace appointed justice of the peace, Hamilton county; Benjamin Ives Gilman, prothonotary and clerk, Washington county, *vice* R. J. Meigs, resigned.

April 27th.—Governor St. Clair, in Washington county, addressed Colonel Sproat, notifying him of cessation of hostilities with Indians, and directing him to discharge the militia of Washington county, the last day of the month. The scouts (woodsmen) were excepted. The Governor also congratulated Colonel Sproat and his men on their good behavior.

May 4th.—Josiah Monroe was appointed justice of the peace for Washington county.

May 26th.—A precept [warrant] was granted by the Governor, upon demand of the Executive of the State of Kentucky, for the delivery of a certain Hugh Ross to William Montgomery, agent, to answer sundry felonies committed in that State.

June 1st.—The Governor issued a proclamation for the arrest of the murderers of two Indians near Belle Fontaine, St. Clair county, 15th March. They were killed in daylight, while in charge of the sheriff, who was taking them to jail. The murderers must be known to the sheriff.

June 13th.—Armistead Churchill commissioned clerk to the legislature, having been appointed May 29th.

[*By Arthur St. Clair, Governor of the Territory north-west of the Ohio.*]

A PROCLAMATION.

[L. S.]

Whereas, a treaty of peace was concluded on the 3d instant, between his Excellency Anthony Wayne, Major-General commanding the army of the United States, and sole commissioner to put an end to a destructive war, settle all controversies, and restore harmony and a friendly intercourse between the United States and the Indian tribes, and signed at Greenville, in the territory of the United States north-west of the Ohio, on the said day, by the before-named Anthony Wayne on the part of the United States, and by certain sachems, chiefs, and warriors, on the part of their respective tribes or nations, to-wit: of the Delawares, the Wyandots, the Potawatomies of St. Joseph, the Potawatomies of Huron, the Shawanees, Ottawas, Chepeways, Kickapoos of Kaskaskia, and Delawares of Sandusky. The same is hereby made public, and all the inhabitants of the Territory, and all and every person residing in or traveling through the same, are strictly enjoined and required to keep and observe peace with the said Indian tribes and individuals of the said tribes and every of them, and to abstain from injury or molestation to them and every of them, until the pleasure of the President and Senate of the United States be known in the premises.

Given under my hand and the seal of the Territory, at Cincinnati, in the county that it is now certain that event will soon take place. As General Wayne has given no orders relative to the militia of the State employed for the protection of the settlements, that I know of, and their being continued appeared to me to be a useless expense, in conformity to the spirit, and in part to the letter of your directions, they have all, the woodsmen excepted, been ordered to be dismissed on the last day of this month.

GOVERNOR ST. CLAIR TO JUDGE TURNER.

April 28, 1795. See P 372

Sir:—A few days ago, I received a letter from William St. Clair, Esq., prothonotary and register of the county of St. Clair, dated December 20, 1794, inclosing a copy of a letter from you to him on the 5th of November in that year, together with his answer of the 11th, and your replication of the 15th. These letters, sir, respect the records of that county and the place where they have been deposited and kept, and the last contains a peremptory order to deposit them at Kaskaskia, as being the acknowledged county-town where

---

of Hamilton, the 25th day of August, in the year of our Lord 1795, and of the independence of the United States the nineteenth.

[*By Arthur St. Clair, Governor of the Territory north-west of the River Ohio.*]

A PROCLAMATION.

[L. S.]
To all persons to whom these presents shall come, Greeting:
Whereas, the division of the county of St. Clair into districts has not been found
to give that ease and facility to the administration of justice which was expected,
and the great extent of the county would render it almost impracticable were the
courts to be held at one place only, it has, therefore, become necessary that it should
be divided, and a new county erected. Now, know ye that, by virtue of the power
vested in me by the United States, I have ordered and ordained, and by these pres-
ents do order and ordain, that, all and singular, the lands lying and being within
the following boundaries, viz.: beginning at the Cove Spring, a little south of the
new design, and running from thence due east to the line of the county of Knox,
and thence west with that line to the Ohio River; thence with the Ohio to the Missis-
sippi; thence with the Mississippi to the parallel of the said Cove Spring; and thence
to the place of beginning; shall be a county named and hereafter to be known and
called by the name of Randolph, which said county of Randolph shall have and en-
joy, all and singular, jurisdiction and rights, liberties, and immunities, whatsoever
to a county appertaining, and which any county that now is or hereafter may be
erected and laid out shall or ought to enjoy, conformably to the Ordinance of Con-
gress for the government of the Territory north-west of the River Ohio, bearing date
the 15th day of July, 1787.
In testimony, I have hereunto set my hand and caused the seal of the Territory
to be affixed, at Cahokia, in the county of St. Clair, the 5th day of October, in the
year of our Lord 1795, and of the independence of the United States the twentieth.
ARTHUR ST. CLAIR.

the general court would soon sit.[1] The general court, sir, may sit wherever the judges think proper in any county, and it is to be presumed they will always use that discretion so as to render the session most convenient to the inhabitants in the county, town, or otherwise, as that may be; but the sessions of the supreme court has nothing to do with the county records. In any case litigated in that court, where recourse to the county records becomes necessary, I presume it would be the duty of the party who had occasion for them to obtain authenticated transcripts of necessary papers, where originals are not to be had. I believe it would be unsafe to have the records, on every occasion, brought into court—the officer ought not to let them go out of his possession, and I think the register of the county of St. Clair was wrong in doing so, even in obedience to your order. I conceive, sir, a judge, in his judicial capacity, has not any thing to do with record-keepers, except upon complaint in common course of law, for some misdemeanor in office, and no power, in any case, over the records. These are my ideas on the subject, but I may be mistaken. I am sure I am not mistaken when I say you had no authority to intermeddle with Indian affairs—and, above all, with any accounts current that might have been between Mr. St. Clair and me, but which, as he informs me, you demanded from him. I am sorry, sir, that, on any occasion, I should differ in opinion with you, and still more so that, by any means, the execution of official duties should [out]. They appear to me to be quite distinct, and it is my wish to keep them so. The appointment to offices is the prerogative of the Governor. Many of the offices, and particularly the register's, are purely executive. If the persons appointed are incapable or unfaithful, but in a degree not to be liable to criminal prosecution, it is his province to remove or correct them, and it is not until a crime has been committed that the judicial courts interfere. As to county-towns, whether you think proper to acknowledge them or not, the Governor is by law empowered to appoint the places where the courts are to be held in each county—a law to which you yourself assented; and the three towns in St. Clair county, though originally pointed out by the proclamation, have been all confirmed by a law which also received your assent, and you must have seen that without such a measure justice could not have been administered at all, as each of the districts was too inconsiderable for a county, and all of them at too great a distance from each other to be united. As the records may be considered to be in your custody, I should be glad if you would direct the person to whom you have committed them to restore them to Mr. St. Clair. If that is not done, I will find some means to get them out of his hands.

---

[1] Judge Turner required the removal of the records from Cahokia to Kaskaskia, and then placed them in the hands of a third person, who had no commission. The above letter compelled the restoration of the records to the proper officer.

P. S.—In a letter of yours to Colonel Sargent, which he sent to me, I find this passage: "Since the letter was delivered, Mr. St. Clair (who has not acted in the fairest manner possible), has put into my hands an open letter, etc." As it is my duty to give the officers of government all due countenance and protection while they act with propriety, so it is my determination to bring them to punishment where they act improperly. I have, therefore, to request that you will be pleased to specify the instances when Mr. St. Clair has acted unfairly, and I have written to him that such a charge is alleged against him, and that I have required the specification.

GOVERNOR ST. CLAIR TO JUDGE SYMMES.

MARIETTA, *April 28th*, 1795.

Sir:—I have been honored with your letter of the 26th of March, which I found at this place on my return here a few days ago. You judged right that my absence was occasioned by indisposition; indeed, nothing else could have justified or excused it. A piece of business of considerable importance, where a sum upward of two thousand dollars was in great jeopardy, and which could be done in a few days, called me to the Greensburg court. While there, I was seized with the gout, got to my family with great difficulty, and never got out of bed again for upwards of two months. About the beginning of March (when I could have met you at time and place appointed), I set out, though very far from being recovered, and relapsed the second day, and again, on the last journey, was confined for two weeks on the road in a wretched situation, so that on the whole I have had a dreadful time of it. The uneasiness occasioned by the disappointment and trouble to you, did certainly add to it considerably, and it was really a relief to me when I learned that you had returned to Cincinnati. I had been informed that our proceedings as a legislature had been called in question, and, as I had always had great doubt with respect to their propriety, I should not, had I met you, have been anxious for the formation of many new laws; but I believe we might, without fear of censure, have adopted and published any laws from the Codes or the States that suited our circumstances, and have repealed any of our own making, which last I should have proposed. But I was, and still am, anxious for one to sanction the proceedings of the County Court of Hamilton while the magistrates acted there without authority. Possibly, considerable property may depend upon their transactions at that time; neither are they themselves safe. Whether any thing can now be done in it I am doubtful, but will be glad to take your advice when we meet, and I wish very much it may be before you set out for Post Vincennes, to which place I will probably accompany you, if I can arrive in time.

I request you, sir, to present my best respects to Mrs. Symmes, who I hope enjoys health and happiness in her new situation. I hope she will forgive me for the jaunt I occasioned you, for that I have certainly great need of forgiveness, and if she will forget I will promise, as boys do, not to do so again.

GOVERNOR ST. CLAIR TO JUDGE TURNER.

MARIETTA, *May 2d*, 1795.

Sir:—By the mail-boat from Cincinnati, I received, this morning, the letter you did me the honor to write on the 25th of November last, which it seems was forwarded to that place by express on the 28th of that month. I can account for the delays it has met with only from certain indorsements on the cover; one of which is "Missent," the other, "Cincinnati, 19th April, 1795." I have extracted, sir, several parts of that letter, particularly the first three paragraphs, and inclosed them to the Secretary of War, and the ninth, tenth, eleventh, and twelfth to the Secretary of State. It gives me pain to hear of complaints against the judges, though it is by no means improbable that they are ill-founded. I would, however, fondly hope that if they have been guilty of any improprieties, they have proceeded from a mistaken judgment, and not a perverted will. I wish they had been confined to the notice sent. I have complaints of a serious nature that reach another district. You must be sensible, sir, that to find persons in that country who are capable of performing the duties of judges in a strictly legal manner, is impossible. It is true there have been but five judges appointed in the county of St. Clair, and hard it was to find five in the county when it was laid out. At that time no more could be appointed even if more qualified persons could have been found. I shall be happy to find that it can produce more of that description now. If there are complaints against any of the county officers, I am of opinion they should have been made to me, even if they were of such a nature as to require a criminal prosecution. When brought before the general court in that way, and I know of no other in which they can be brought before it, to be sure they would claim its attention. You will pardon me, sir, I hope, if I doubt the power of that court to hold a special session. The local situation of the inhabitants of the county of St. Clair, where they are divided into distinct and distant settlements, none sufficiently populous to furnish even the necessary officers for a county, subjects them to great inconveniences. It was the only reason for dividing the county into districts, and an expectation was had that an increase of people would soon put it in the power of the Governor to erect each district into a county, and, of course, those inconveniences would cease; but, instead of increasing in numbers, the people have decreased considerably. Some alteration will, therefore, be necessary, and I thank you for the hints you have given.

To all you have said with respect to licenses and Indian affairs, I will only repeat what in substance I had the honor to observe to you in my last, that I conceive the Indian Department to be wholly out of your province, and to add, with all due respect, that in my conception the duties of a judge are neither inquisitorial nor executive.

As to what relates to the secretary, I know not whether it is intended as official complaint or private information only. If the first, as it is destitute of any testimony whereon to ground a prosecution, I can not take notice of it. If it had been accompanied with testimony, I presume it is not to me it should have been addressed, for the secretary is not under my control. The territorial statute is not only virtually repealed, but, in my judgment, always was a nullity. I have often thought of an escheator, but, until the expiration of a certain form, the estates which have been abandoned can not escheat, and when they do, it will be to the United States, and not to the Territory. The same, I believe, with respect to those when no heirs are known.

I know, sir, of no fund for the payment of expenses, nor any public offices upon which I can point out on which you may draw for that purpose. I am obliged to pay for the postage of all letters that do not come franked by some person having authority, out of my private pocket (this of yours comes exactly to one hundred cents), and amounts to a considerable sum in the year. The necessity must be both urgent and evident to support the admission of such a charge for the paying of them at the Treasury of the United States, but it is there only, I believe, that it can be allowed.

GOVERNOR ST. CLAIR TO EDMUND RANDOLPH.

MARIETTA, *May 4th*, 1795.

Sir:—By the last mail from Cincinnati, I received a letter from Judge Turner, dated at Kaskaskia on the 24th of November, 1794, from which I have thought it necessary to trouble you with the following extracts:[1]

To these, except to the last, I have made no other reply than that they have been forwarded to you. But I take the liberty to observe, in reference to one having in view the extension of the Indian trade to Prairie du Chien, that it is a plan of considerable consequence, and to refer you to some observations I had the honor to make thereon to Mr. Jefferson in a report, in the year 1790, I think, which is in your office.

The above-mentioned letter contains, also, several complaints against the secretary and others, on which I have observed to him that, if they were intended as complaints, to be taken notice of officially, as they were unaccompanied by any proof whereon to ground a prosecution, I would do nothing with them, and that, as to the secretary, if they had been attended with proofs, as he was not under my control, it was to you and not to me they should have been addressed; and, further, that the territorial statute regulating trade with the Indians, which, possibly, had been infringed, was not only virtually repealed by the act of Congress, but was, and always had been, a nullity.

P. S.—That report (St. Clair's report to Jefferson) embraces, if I have not forgotten, all or more of the objects adverted to in the judge's letter. To the last paragraph, I thought it necessary to inform him that I knew of no fund for the payment of expresses, nor any known officer that I could point out, on whom he might draw for that purpose; that I paid the postage of all letters, unless franked by some person having authority, that come to me, out of my private pocket (and this of his had cost me one hundred cents), and amounted to a considerable sum in the year, and that the necessity of employing expresses must be evident and urgent to procure the admission of a charge for them at the Treasury of the United States.

---

[1] Extracts omitted. See letter of Judge Turner, dated June 14, 1794.

This, sir, is a very extended country, and, from a variety of causes, would require the eye and the hand of the Executive in every part of it; but, as that is impossible at all times, you may perceive that Judge Turner seems inclined to take some of the trouble upon himself. I have, however, been obliged, upon another occasion, to remind him that the executive and judicial authorities and duties were distinct, and that it was the intention to keep them so, and that his office was neither inquisitorial nor executive.

These interferences, and the conclusion ensuing therefrom, create a great deal of trouble to me. The country on the Mississippi and Wabash is now in that situation that the presence of the Governor is indispensable. I must, therefore, make the journey as soon as it is possible, though God knows I am in a bad state for traveling.

The address of the judge's letter is somewhat singular: "Arthur St. Clair, Governor of the Territory north-west of the Ohio, and Superintendent of Indian Affairs; to be opened, in his absence, at Cincinnati and at Philadelphia, by the Secretary of State, Philadelphia."

GOVERNOR ST. CLAIR TO JUDGE TURNER.

CINCINNATI, *May 25th*, 1795.

Sir:—I mentioned, last evening, that I had heard of a very atrocious murder being committed in the county of St. Clair, upon the bodies of two Indians in the custody of the sheriff, who was conveying them to jail upon warrant.

Do me the favor to inform me what was the cause of their imprisonment, and the circumstances of their murder, as it may have been related; by whom it is said to have been perpetrated, and whether any or what steps have been taken to bring the offenders to justice.

GOVERNOR ST. CLAIR TO JUDGE ADDISON.

CINCINNATI, *May 27th*, 1795.

Sir:—About two weeks ago, I received your letter of the 22d of last month (a few days after that of the 3d of January), and should have acknowledged it sooner if I had not wished to be able to write decidedly with respect to Mr. Cunningham.[1] That, however, is not yet in my power, as I have not met with Judge Symmes, by whom the court at this place will be held in September next. But, as it is certain that Mr. Cunningham can not be tried here for an offense if it was one, that was not committed in the Territory, it seems to be altogether unnecessary that he should come down at that time. Judge Symmes will be at this place in a day or two, and, I doubt not, he will agree to the recognizance of Mr. Cunningham being discharged when the court meets; but, if he should not, I engage that it shall be respited until a new one can be entered into, and a certificate forwarded, which in that case will be necessary, and which you shall be informed of in due time; and I have much pleasure in doing this, because it would be hard to put the young man to the trouble of so long and expensive a journey when no end can be answered by it; but particularly because you take an interest in relieving him from it; and, in truth, the circumstances of the times considered, it is rather to be wondered at that he was not more deeply engaged in the business up the country.

---

[1] Young Cunningham was concerned in the release of a prisoner on the south shore of the Ohio. Believing that he had been merely caught in bad company, Judge Addison wrote for the friendly services of the Governor.

You certainly do me justice, sir, by suggesting to yourself any reason for my not paying you my respects when I was last in Washington, rather than want of inclination. The true and only reason was want of time, as I then thought. It was necessary that I should be at Muskingum as soon as possible, and I purposed to take a passage on the post boat, which, according to the information received from the postmaster at Pittsburgh, I had just time to overtake by leaving Washington early that morning, and it was late when I got in the night before. But, as there were no stages between that place and West Liberty, I could not go without my breakfast, and I now know that it is impossible to get an early breakfast at Purveanc's, though not to be kept some hours in expectation of it at every moment. When I reached Wheeler, however, I found the postmaster knew as little about the course of the posts as about some other things he undertakes—it had gone a day and a half before the time he had marked, and I had to while away three days at that wretched place before another opportunity offered; it was a just punishment for the appearance of want of respect to you which I had been guilty of, and which I shall always bear towards you. I pray you not to add to the punishment by supposing there was any thing more than the appearance, and to do me the favor to make my best respects to Mrs. Addison and Miss Grant, and to believe me to be, with my sincere regard, etc.

See letters of Secretary Sargent in the Western Pennsylvania Insurgent Case, p. 329.

ADDRESS OF THE GOVERNOR TO THE LEGISLATURE.[1]

It gives me much satisfaction, gentlemen, after so long a separation, that we are again met in our legislative capacity. The great

---

[1] Agreeably to the proclamation before given, the Governor and Judges Symmes and Turner met at Cincinnati on the 29th day of May, 1795, and organized as a Legislature under the Ordinance.

Armistead Churchill was chosen and commissioned as clerk, and took the oath of office prescribed by law. The business opened by a speech by Governor St. Clair, as above, after which the judges made a written reply in due form. When the session was fairly opened, on motion of Judge Turner, it was ordered that the doors of the house be kept open during the session, for the admission of such citizens as may choose to hear the debates. The journal of this novel legislative body is full of interest, but is too voluminous for the scope of this work.[1]

---

(1) The following extracts from the minutes may not prove unacceptable to the reader:

SATURDAY, *May* 30, 1795.

Assembled according to adjournment.

The clerk, having read the minutes of yesterday (and this he was ordered to do daily), the following petitions were next read, viz:

1. A petition of Joel Williams, praying for a law to authorize him to erect and hold a public ferry from his landing in Cincinnati to the opposite shore of the Ohio.

2. A petition of Rebecca Kennedy, to vest in her the keeping of a similar ferry.

3. A petition of Patrick Simpson, of Vincennes, in the county of Knox, praying to be enabled, by law, to satisfy a debt, confirmed to him by a judgment there, out of the debtor's real estate, by selling a proportion thereof.

4. A petition of Daniel Symmes, sheriff of Hamilton, concerning the better regulation of the jail and the safe-keeping of prisoners.

5. A petition of the Judges and Justices of the Courts of Common Pleas and General Quarter-Sessions of Hamilton.

6. Another from the Grand Jury of that county, in general quarter-sessions of the peace.

7. Another from a numerous body of citizens, inhabitants of the same county.

The last three petitions prayed for certain new laws and alterations in others.

8. A petition of Wm. Lemond, praying to be divorced from his wife.

The several petitions were ordered to lie on the table.

Judge Symmes produced copies of the domestic and foreign attachment laws of New Jersey, and moved for their adoption. Laid on the table.

Judge Turner moved to make or adopt nineteen laws, which he had drafted. Laid on the table.

That, if the house should deem itself competent to the purpose, he would, at a future day, move for the impeachment of Henry Vanderburgh, Judge of Probate in the county of Knox, for high misdemeanors by him committed.

Adjourned to meet on Monday at 9 o'clock A. M.

MONDAY, *June* 1.

Assembled according to adjournment.

The Governor proposed for adoption an act of Pennsylvania, entitled "an act for taking lands in execution for the payment of debts." It was adopted under the title of "a law subjecting real estate in execution for debt."

Ordered, that in the present case, and on every future adoption of laws, the clerk do conform the bill to existing localities of the Territory, without otherwise affect-extent of the Territory, the distance between the places of our respective residences, the difficulty of assembling at any point at a

---

ing the spirit of the laws so adopted; and that he drop all preambles and unnecessary or tautological phrases and words.

Judge Turner moved for the repeal of that part of a law of the Territory which imposes a tax on merchants and traders.

The motion was laid on the table.

On motion of the Governor, it was agreed to adopt "a law regulating domestic attachments."

Moved by Judge Turner, that all laws and parts of laws which impose forfeitures of estates for crimes be repealed. Laid on the table. Adjourned.

June 2d and 3d.

The Legislature continued its work of forming laws. On the last named day, the Governor moved to repeal the Territorial law entitled, "An act prohibiting the sale of spirituous and other intoxicating liquors to Indians." Motion agreed to.

On motion of Judge Turner,

Resolved, That the Governor be requested to forward a representation to Congress, expressive of the increasing value of the reserved public sections of land, some of which could now be vended for valuable considerations, to the furtherance of religion and education.

The Legislature met daily until far into August, and transacted a great deal of very important business. The report of the commissioners for licensing taverns and merchants was received and filed.

Mr. Stephen Wood, Treasurer of Hamilton county, was called on to produce his books and papers, but as they were found defective, he was permitted to withdraw them for correction. When finally presented, on the 7th of August, I note that the receipts and disbursements proved to be as follows:

Received from all sources..................................		$2,567 49½
Disbursements on orders....................	$2,049 03	
Five per cent. on commissions..............	126 07	
		2,175 10
Balance......		$392 39½

William Maxwell was authorized to print one thousand copies of the laws for public use. [The work was done as contracted for, and the laws as thus published are known as the "Maxwell Code."]

August 7.

Sealed and signed nineteen engrossed bills, and declared the same to be laws of the Territory, to take effect at the respective periods therein mentioned.

SATURDAY, *August* 8.

Assembled accordingly, examined bills, and adjourned to meet in the afternoon.

Met in consequence, and resumed the examination of the bills.

Adjourned till Monday morning, 9 o'clock.

MONDAY, *August* 10.

Assembled according to adjournment.

Read and laid on the table, for further consideration, certain bills framed on the Pennsylvania Code.

Adjourned to meet to-morrow at 9 o'clock A. M.

TUESDAY, *August* 11.

Proceeding to the examination of engrossed bills, certain alterations were agreed upon, which the clerk was directed to make by to-morrow.

Adjourned till 9 o'clock A. M. of Wednesday, August 12.

Judge Symmes produced the draft of a bill for limiting imprisonment for debt, and subjecting certain debtors and delinquents to servitude. Discussed, and a copy ordered to be engrossed.

"A law limiting imprisonment for debt, and subjecting certain debtors and delinquents to servitude."

Adjourned to meet to-morrow morning at 9 o'clock.

THURSDAY, *August* 13.

Assembled accordingly.

Resolved, As the sense of this legislative body, that public convenience requires given time, while the only communication is by the river, which can not always be ascended, and often not without danger from the savages, must necessarily render our appointed meetings precarious, and will, I hope, excuse my requesting your attendance at this time, without previous notice. It was, doubtless, owing to some or all of

---

that the Governor should cause public ferries to be established. And, whereas, as no law concerning ferries can be found for adoption, but such as are of a local, not general nature, and it being essentially requisite that ferries should immediately be established throughout the Territory, and a mode directed for fixing the rates of ferriage,

Resolved, Therefore, that the Governor be requested to declare, by proclamation or otherwise, from time to time, what ferries shall be erected, by whom to be kept, and where;

Resolved, Also, that the several courts of quarter-sessions be empowered, and they are hereby authorized and empowered to fix, from time to time, the rates to be demanded at the ferries now or hereafter to be established in their respective counties, having regard to the distance which such ferry-boats have to travel, and the danger or difficulties incident to the same.

August 15.

Assembled accordingly.

Judge Turner moved, and it was agreed to, that all resolutions operating as laws, be from time to time printed and added to the laws, by way of appendix.

The work of this Legislature is best shown by the titles of the laws as completed:

1. Subjecting real estate to execution for debt. [*Pub. June 1. Took effect August 15.*]
2. Regulating domestic attachments. [*Pub. June 1. Took effect August 15.*]
3. For the easy and speedy recovery of small debts. [*Pub. June 3. Took effect October 1.*]
4. Concerning defalcation. [*Pub. June 5. Took effect August 15.*]
5. To prevent unnecessary delays in causes, after issue joined. [*Pub. June 5. Took effect August 15.*]
6. Establishing courts of judicature. [*Pub. June 6. Took effect August 15.*]
7. For the limitation of actions. [*Pub. June 10. Took effect October 1.*]
8. For the relief of persons conscientiously scrupulous to take an oath in the common form. [*Pub. June 11. Took effect October 1.*]
9. For the recovery of fines and forfeitures, and directing how the same are to be estreated. [*Pub. June 11. Took effect June 11.*]
10. Ascertaining and regulating the fees of the several officers and persons therein named. [*Pub. June 16. Took effect October 1.*]
11. For establishing orphans' courts. [*Pub. June 16. Took effect October 1.*]
12. For the settlement of intestates' estates. [*Pub. June 16. Took effect August 15.*]
13. To license and regulate taverns. [*Pub. June 17. Took effect August 15.*]
14. Establishing the recorder's office. [*Pub. June 18. Took effect August 1.*]
15. For raising county rates and levies. [*Pub. June 19. Took effect October 1.*]
16. For the relief of the poor. [*Pub. June 19. Took effect October 1.*]
17. Concerning the probate of wills, written or nunciative. [*Pub. June 19. Took effect October 1.*]
18. Regulating inclosures. [*Pub. June 25. Took effect October 1.*]
19. As to the order of paying debts of persons deceased. [*Pub. June 26. Took immediate effect.*]
20. Concerning trespassing animals. (*Pub. June 26. Took effect October 1.*]
21. Directing how husband and wife may convey their estates. [*Pub. June 26. Took effect August 15.*]
22. For the speedy assignment of dower. [*Pub. July 14. Took effect October 1.*]
23. Giving remedies in equity, in certain cases. [*Pub. July 14. Took effect September 1.*]
24. Annulling the distinction between petit treason and murder. [*Pub. July 14. Took effect October 1.*]
25. Declaring what laws shall be in force. [*Pub. July 14. Took effect October 1.*]

these causes that the proposed meeting in September last was frustrated. Bodily indisposition prevented me from keeping the last appointment, and the vexation that arose from a sense of the trouble I had given to one of you gentlemen, and for any thing I then knew to both, added no little to that indisposition.

It has for a long time past, gentlemen, been my anxious desire that the legislature should be convened. The circumstances of the Territory have required it in a variety of shapes. The civil and criminal codes are both incomplete; and if the community have suffered no real injury therefrom, they have at least experienced inconveniences. Other objects would also have demanded our attention at an earlier day, but opinions entertained in the legislature of the United States as to the constitutionality, and, consequently, the binding force of the territorial statutes, rendered it, in a high degree, necessary.

The Ordinance for the government of the Territory, passed by Congress in July, 1787, is unquestionably the constitution or charter of this colony. A bill, gentlemen, passed the House of Representatives in the last session of Congress, and for disapproving of all the laws that had been enacted at this place, from July to December inclusive, in the year 1792, on the ground, as I am informed, that the Governor and judges have no power, by the constitution of the government, to make laws, but only adopt and publish such laws of the original States as should appear to them best suited to the circumstances of the inhabitants. Had that bill passed into a law, though the laws enacted within the period referred to might have been the special object, the principle would have reached to every law existing in the Territory. The Senate did not agree with the House of Representatives, and, consequently, it did not become a law; but if I am rightly informed, it was not owing to a difference

---

26. To prevent trespassing by cutting of timber. [*Pub. July 14. Took effect August 15.*

27. Repealing certain laws and acts. and parts of laws and acts. [*Pub. July 14. Took effect August 14.*]

28. Respecting divorce. [*Pub. July 15. Took effect October 1.*]

29. For the partition of lands. [*Pub. June 17. Took effect October 1.*]

30. Allowing foreign attachments. [*Pub. July 15. Took effect October 1.*]

31. Concerning the duty and power of coroners. [*Pub. July 16. Took effect August 15.*]

32. For continuing suits in the general and circuit courts. [*Pub. July 16. Took immediate effect.*]

33. To suppress gaming. [*Pub. July 16. Took effect October 1.*]

34. As to proceedings in ejectment, distress for rent, and tenants at will holding over. [*Pub. July 17. Took effect October 1.*]

35. Limiting imprisonmeet for debt, and subjecting certain debtors and delinquents to servitude. [*Pub. August 15. Took effect August 15,*]

in opinion, but as they considered them all *ipso facto* void, they thought it improper to declare any of them so by an act of the legislature.

It has always been my opinion, gentlemen, that whenever the laws of the Territory were considered by the legislature of the United States in a constitutional point of view, they would be annulled. And, although I gave way to the mode that has been pursued in forming them, and have assented to many of them, it was not till after a long altercation with the first judges, Mr. Parsons and Mr. Varnum, that it was gone into. I found myself, in some measure, forced to it; for I was not happy enough to be able to convince them of its impropriety, and, unless the one or the other receded, society must have been in a state of anarchy, and I preferred submitting to what my mind disapproved of rather than that the community should be in such a situation, not doubting but Congress would soon correct it.

Notwithstanding the deference, gentlemen, I had to the opinions of your predecessors, which, it was most probable, as they were men who had some eminence in the profession of the law, were more correct than mine, before I consented to the making laws, I thought it necessary, after all our conversations, to address them in writing more than once on the subject, and to put those letters on the records of the Territory as a kind of standing protest against the measure I was dragged into. As those letters were fully explanatory of my sentiments at that time, and they have not since been changed, I will take the liberty to lay before you some extracts from them, and from an address to the people on setting the government in motion:

"You will observe, gentlemen, that part of the system which has been formed for this country, and is now to take effect, is temporary only--suited to your infant situation, and to continue no longer than that state of your infancy shall last. During that period the judges, with my assistance, are to select from the laws of the mother States such laws as may be thought proper for you. This is a very important part of our duty, and will be attended to with the greatest care."—*Address at Marietta on opening the Government, July 9th*, 1788.

"Upon the application of the *whole* of the proprietors (speaking of the Ohio Company), a law specially regulating their property, in order to rescue it from the caprice of individuals, might with propriety be made; but whether the present legislature of the Territory could be competent, may well admit of doubt. They have power to adopt laws only."—*Letter to the Judges, July 29th*, 1788.

"But you will pardon me, gentlemen, for mentioning once more, that I suspect we are overpassing the line of our duty *in forming new laws in any case;* and that, when we do so, the necessity of the case can be our only justification. The Ordinance of Congress empowers us 'to adopt such laws of the original States, criminal and civil, as may be necessary and best suited to the circumstances of the district.' In departing from that rule, we certainly expose ourselves to censure from Congress; and besides, there may be some doubt as to the validity of such laws as are adopted and published under any other; and it may not be unworthy of your consideration whether, upon an exception being taken before you, in your judicial capacity, you would not be obliged to decide against the law, and declare it a nullity. I agreed to the militia law fully under the impression of these sentiments, because the necessity of self-defense must supersede other considerations."—*Letter to the Judges, July 30th,* 1788.

"I was in hopes that my being informed of the precise meaning you had affixed to the word *laws*, as it is used in the Ordinance of Congress, which empowers the Governor and judges to adopt such of those of the original States as may be necessary and suited to the circumstances of the district, and as it is used by you in your letter of the 31st July, would have thrown some light upon that letter, and shortened the answer I should be obliged to make to it. I must have been very unfortunate in the manner I expressed my wish to know what that meaning was, for the word in the Ordinance is clearly distinguished from the 'codes or bodies of laws' indefinitely, 'as they refer in their general nature and spirit to the vast variety of objects about which they are conversant.' I can not find how this explanation applies; I will not, however, trouble you any further about it, but proceed to reply to the letter.

"I observe you say it is one of the questions arising out of mine of the 30th, whether, in forming and transcribing laws, we should connect with general subjects all the particulars that may have relation to those general subjects. Another is, how far the particulars respecting the probate law should have influence. In forming laws upon general subjects, it may be difficult to connect all the particulars that may have relation to those general subjects. So far, however, as it is possible to recollect all the particulars, it should be done, and those particulars inserted in and become parts of the same law. And after all the attention that legislators can pay to particulars, it will be almost always found, when the laws are put in operation, that many things have been omitted and, consequently, must be supplied; and frequently (from their taking a different direction from what was intended), be explained. Forming and transcribing laws are two very different things; for transcribing laws, to give a meaning to the expression here, must be applied to some of the laws of the original States that may be thought proper to be adopted. I presume we must take them as we find them, so far as they apply to our circumstances. How far the particulars suggested respecting a probate law may have influence with you, gentlemen, I know not—they have very great influence with me. There is another circumstance besides, which influences me not a little. It was hinted at only, and distantly; it may be proper to mention it expressly. When I have bound myself by law to the creation of an office, unless the powers and duties of the officer who is to fill it are detailed in the law, a difference of opinion may arise respecting those powers and duties, and I run the risk of being obliged to leave it to be guided *entirely* by the rules of the common law, supposing it to be an office known to the common law, or, by rules that I may think impose too much or too little restraint. To this risk I am not willing nor is it proper to expose myself, because I should thereby lose, in that case, the control which, I think, the Ordinance has given me in all cases. Here again I am afraid I have the misfortune to differ with your honors, for, from another part of your letter, it seems to be your opinion that when the judges agree in adopting a law it will acquire the requisite validity without the consent of the Governor. The passage in the Ordinance is in these words: 'The Governor and judges, or a majority of them, shall adopt and publish,' etc. It is true, the punctuation would favor the construction you seem inclined to put upon it; but I believe it is not the true sense, and that Congress intended that the assent of the Governor should be necessary to all laws adopted during this stage of the temporary government, as well as to all laws formed by the general assembly, after it shall have been organized. I presume, gentlemen, that Congress thought there would be an impropriety, at least, in leaving the *adoption* of laws by which the people of the district were to be governed for a time, solely to the persons who were to expound them. How much greater would that impropriety be, if it goes not only to the adoption, but the formation of laws. The judges would, in that case, be complete legislators, which is the very definition of tyranny; and, though that arrangement might, in your hands, gentlemen, produce no evils, no man can tell how long this stage of the government will last, or who may be your successors. Nor could it fail to produce much uneasiness in the minds of the people over whom so possibly oppressive an authority was established.

"I acknowledge I do not perfectly understand what is meant by the 'ties, connections, and subordinations,' that are said to exist in colonial governments, and 'to which laws must be applied.' I do not take those ties, connections, etc. (whatever they may be), to be at all the object of laws. By making them the objects of law, 'the existence of government might, indeed, be endangered.' No law which could have a tendency to weaken or destroy the 'ties, connections, and subordinations' of this district with the United States could, consistent with our duty, be either formed or adopted; and laws that might have a declared purpose to strengthen those ties would, in effect, weaken them, because they rest upon another foundation, which every such law would tend to sap. It is unsafe ground, and ought not to be traveled upon. I presume not to say what 'the powers ought to have been.' As they are, and as I understand them, they seemed calculated to answer all the purposes 'the framers of the Ordinance' could have had in view, viz: 'to provide for the safety and happiness of the people who might remove into this country, and to protect their property until they should be sufficiently numerous to legislate for themselves, and to preserve them in a due dependence upon the general Government.' I agree with you, gentlemen, that the 'clause in question,' and every other clause in the Ordinance, should receive a liberal construction whenever they are in the least doubtful; and as it partakes of the nature of a charter, is to be expounded 'favorably to the grantees.' But it is one thing to construe a grant liberally and another to add to the grant by construction, what was never in the contemplation of the grantor; and this is precisely what I think would follow should your opinion upon the clause be thought the best. That we may adopt 'laws of any of the old States,' if we think they suit our circumstances, there can be no doubt, for that is the genuine and liberal sense of the clause. That we may adopt 'such parts of any particular law as may be necessary,' is within the spirit of it. That we may make a law (for here the word *adopt* will not serve us), consisting of 'different parts of the laws of different States, and change the diction,' I believe we have no power to do. I can not discover the difference between this and legislating originally, which, so far from permitting us to do, in my opinion, it was the design of Congress to prevent."—*Letter to the judges, August* 1, 1788.

As this construction, gentlemen, gives a clear, distinct, and consistent sense to every part of the Ordinance, which, as has been observeh, is the cdarter of the Territory, it is probable that it is the true construction. I shall, therefore, recommend to you again to give that instrument an attentive perusal, and compare the letter and the spirit of it with the manner in which we have hitherto proceeded; and if you find any opposition or discordance between them, I am certain you will advise an immediate change of measures.

While I am on this subject, I will trouble you with one observation more, though it might, perhaps, be brought forward with more propriety as a reason for repealing a particular law. It is this, that the people are entitled to judicial proceedings, according to the course of the common law, is an express article of compact between the original States and them. It seems to me, that, supposing the power of the Governor and judges to make laws were clear (which it certainly is not), the law prescribing the forms of writs and process has greatly narrowed the right resulting from that article, and cases will arise to which it will be found to be wholly inapplicable; and that, contrary to the spirit of the common law (which does not permit the blending of different remedies for the same wrong, or prevent a choice of the remedy where it has given more than one), a humane creditor is, in some cases after judgment is obtained, compelled to imprison his debtor, or forever forego his remedy against him. The vast variety of writs known to the common law of England were introduced for the safety of the people, and the learned Judge Blackstone, speaking of some difficulties arising to the law student, not to the people, from that variety, breaks out into a kind of rapturous exultation: "This difficulty," says he, "however great it may appear, will shrink to nothing upon a nearer and more frequent approach. And, such as it is, it arises from the excellence of our English laws, which adapt their redress exactly to the circumstances of the injury, and do not punish one and the same action for different wrongs which are impossible to be brought within the same description, whereby every man knows what satisfaction he is entitled to expect from the courts of justice, and as little as possible is left in the breast of the judge, whom the law appoints to administer, and not to prescribe the remedy." Black. Com., Vol. 3, page 266. And, again, on the next page, he observes "that this intricacy of legal process will be found, when attentively considered, to be one of those troublesome, but not dangerous, evils which have their root in the frame of our constitution, and which, therefore, can never be cured *without hazarding every thing that is dear to us.* In absolute governments, where new arrangements of property and a gradual change of manners have destroyed the original ideas on which the laws were devised and established, the prince, by his edict, may promulge a new code, more suited to the present emergencies. A single legislator—a Solon or Lycurgus, a Justinian or a Frederick—may at any time form a concise and, perhaps, a uniform plan of justice; and *evil betide that presumptuous subject who questions its wisdom or utility.* But, who that is acquainted with the difficulty of new modeling any branch of the statute law (though relating but to roads or parish settlements) will conceive it ever feasible to alter any fundamental point of the common law, with all its consequents and appendages."

Whatever, gentlemen, may be your sentiments on reconsidering the subject of our legislative powers, two things are clearly within them, viz., to adopt and publish laws and to repeal those of our own making. The first is, indisputably, given by the Constitution of the Territory, and the second by the act of the United States. That all doubts, therefore, may be removed, I would advise an immediate repeal of all the laws of the Territory, and that laws of some or all of the original States be adopted and published in their stead. In doing the last, we shall act in strict conformity to the spirit and the letter of the Ordinance; and if the laws adopted are disapproved by Congress, it can only be on the ground of their inaptitude, an objection which, it is to be hoped, they will not be open to. In doing the first, we shall exercise a power expressly conferred by law, and, therefore, not liable to censure. Neither does it appear to me, gentlemen, that there can be any inconvenience or much trouble in the business; for all the laws that are thought necessary may be agreed upon and prepared, for they will require some preparation, and their adoption go hand in hand with the repeal of the others. Another consideration, gentlemen, will certainly have some weight, as I also observed to the former judges. Exceptions to the constitutional obligation of the laws may be taken in the courts of law, and you may find yourselves obliged, as judges, to decide against laws enacted by yourselves as legislators—an embarrassing dilemma!

In this matter, as in every thing else which can contribute to the safety and happiness of the people, it will ever give me pleasure to concur with you; but should it happen that on this subject our sentiments continue to differ, I will, at another time, point out to you several laws which, in my opinion, should be repealed at all events, together with my reasons for that opinion. I will trespass, gentlemen, but a moment longer on your patience, while I communicate another reason why I had much wished a meeting at an earlier point of time. It was produced by some proceedings of the judges of the County Court of Common Pleas for the county of Hamilton. The original commission to that court ran without any limitation as to its duration. The secretary of the Territory, at a time when the powers of the Governor devolved upon him, for good reasons, thought proper to issue a new commission to that court, limited expressly to continue in force during pleasure. The judges of the court had mistakenly considered the want of limitation in the original commission as rendering it equivalent to one expressly conditional to continue in force during good behavior; and that, of course, it could neither be revoked nor superseded, but in consequence of some misdemeanor legally ascertained. They refused to be sworn in under the new commission, and proceeded to assemble and do business as a court under the original one. As their proceedings in that case were clearly vicious, for the new commission superseded the former one, and as it may be that considerable property rests upon adjudications then made by them, I should have recommended an act to render them valid. The power of granting writs of habeas corpus, which is, I believe, exclusively in the judges of the general court, has also been claimed, and in one instance, as I am informed, exercised by those judges. Although, under my present impressions, I can not now recommend, and could not consent to a law to sanction those proceedings, which must, if called in question, stand or fall upon their own merit or demerit. Yet, I think there would be no impropriety in the Governor and judges declaring their sense upon them both, and I am persuaded it would have the salutary effect to keep the administration of justice steady and regular, and its stream undisturbed.

ANSWER OF JUDGES SYMMES AND TURNER TO THE GOVERNOR'S SPEECH DELIVERED IN THEIR LEGISLATIVE CAPACITY.

We reciprocate with your Excellency that satisfaction which you have been pleased to express at the opportunity that now enables us to assemble in our legislative capacity; and the more so, since we are sensible of the difficulties that occasionally must occur in bringing the legislative members together at given times. Permit us to congratulate you, sir, upon seeing you again among us.

That our codes, both civil and criminal, are incomplete, and that, in consequence, the people have experienced inconvenience is unquestionable. But nothing, on our part, shall be wanting to concur with you, sir, in obviating existing defects, and making such legislative provision in the future as may be most conducive to the public weal. The opinions entertained in the legislature of the United States, as to the force of our Territorial statutes, are peculiarly entitled to consideration.

We acknowledge that the Ordinance of 1787 is the Constitution of this Territory. But doubts have arisen as to the construction of it. From these doubts, and the apparent difficulty of selecting laws from the original States suited, in all cases, to the local circumstances of the Territory, and from the words "adopted or made," as used in the Ordinance, we may infer that the principle of *enacting* grew up in preference to that of adopting laws. To some of us, indeed, there appeared to be in the Ordinance a degree of ambiguity that might seem to justify either the one or the other; and, though the instrument points to distinct periods of time, yet those periods do not seem to be so strongly marked or separated as not to be open to a difference of opinion.

That respect which is due to the legislature of the General Government will, however, always incline us to pay the greatest deference to its opinions. Your Excellency tells us that, for annulling certain enacting statutes of the Territory, a bill had lately passed in the House of Representatives of the United States, and was non-concurred in in the Senate, as you are informed; not from a difference of opinion, but from a persuasion that such statutes were *ipso facto* void in themselves, and, therefore, improper to be declared to be an act of that legislature.

Let us advert here to an act of Congress passed May 8, 1792; we shall there see, if not a direct, at least an implied recognition of the power to enact, as exercised by the Governor and judges. Sec. I. "The laws of the Territory of the north-west of the River Ohio that have been or that hereafter may be enacted by the Governor, judges, etc." And again, Sec. II. "The Governor and judges of the Territory north-west of the River Ohio shall be, and hereby are authorized, to repeal the laws *by them made*, etc."

Whether these clauses had any, and what influence towards continuing the practice of originating laws, is not for us to say, as one of us only was present at the last session. But, it may fairly be presumed, their weight would be inconsiderable.

As it seems, sir, to be your opinion that the legislature ought to confine itself to the principle of adoption alone, we are ready to meet you on that ground, in order that no impediment may lie in the way of legislative duty. There being but a bare majority of the members assembled, unanimity now becomes indispensable. Without this, our legal code, by far too inadequate, at present, to answer the ends of good government, would remain as it is, and our meeting prove nugatory.

It is true, however, and we mention it with regret, that there are some laws of which the Territory is in great need, but which, from the locality, we despair of finding among those of the original States. The chasm in this case can only be supplied by the authority of Congress, expressly extended to us by statute. But, whether that honorable body, whose legislative functions are of a general nature, would think it proper to interfere in this respect, is a question that belongs not to us to determine.

In one of the quotations from your correspondence with the former judges, and with which you have favored us in your speech, it seems that a difference of opinion existed as to a *negative* on the laws then claimed by the Governor. You have said, "there would be an impropriety, at least, in leaving the adoption of laws by which the people of the district were to be governed for a time, solely to the persons who were to expound them."

We grant the *impropriety*. The time when the Ordinance was framed, the *temporary* government which it had for its object, and the early existing circumstances of this country, must plead its apology. But, we would submit to your Excellency whether this impropriety could either be lessened or removed by leaving to the Governor a negative on laws to be adopted by a legislative body, never composed of more than four and generally of but three members, when *he* has a right to sit as one, and as one to debate and vote on those laws in common with the rest?

What does the Constitution say? "The Governor and judges, *or a majority of them*, shall adopt and publish," etc. Words, we presume can not be stronger, let the punctuation be what it will. To us, they convey a prompt, a decisive meaning, namely, that the three judges may assemble in the Governor's absence and adopt laws at discretion. Besides, sir, the word *negative* is not to be found throughout the Constitution or Ordinance, so far as it regards the present government.

Painful as it is for us to differ, in any instance, with your Excellency, yet the subject in question being now before the public, public duty (and, we dare say, your own wish) requires that our opinions should not be suppressed.

We will recollect, sir, that when we first had the honor to meet you at this place in our legislative capacity, you expressed doubts of our constitutional power to *make* laws. We remember, too, that the best consideration we could then give the Ordinance inclined us to believe that the powers either to *adopt* or *make* laws were optional as to the legislators. If our construction of the Ordinance be in this respect faulty, it must have arisen from that seeming ambiguity we have already noticed.

We agree that "the power of the Governor and judges to repeal laws *by them made*," is not to be found in the Ordinance. It was superadded, as you have observed, by a law of the United States. Nor do we hesitate to declare with you, sir, that it would be "too broad an inference" to draw from the words "*by them made*"—an implication that might contradict either the spirit or the letter of the Ordinance. *Enacted* would be a much stronger word; it is a word of unequivocal purport, and may be found, as we have already shown, in the preceding section of the same act. We do not, however, mean to say how far the fundamental principles of a compact between the people and the government can be affected by subsequent acts not sanctioned by the consent of the former.

Cordially we unite with your Excellency in expressing our disapprobation of that law where a form of process is established that would *compel* a humane creditor to imprison the body of his debtor. The form, though borrowed from the Massachusetts code, is not, in our opinion, congenial to the mild genius of the common law; and, therefore, we shall cheerfully concur with you in the repeal of that part, or the whole of the law, should it be found needful.

Pursuant to your recommendation, we shall join you in taking into serious deliberation the proposed repeal of the present laws.

In all matters that may promote the safety and happiness of the people, the judges will ever be forward to concur with the Governor; and on this foundation we earnestly embrace your proposition.

With you, sir, we regret that we could not convene before the present moment, especially as a legal question may arise how far the proceedings of a subordinate court have, in the instance to which you allude, been conformable to the limits of their power.

No county court, nor judge of a county court, can issue a *habeas corpus*; that writ lies from a superior power alone. But we are sorry in not being equally fortunate to form a concurrence of opinion with your own upon the other case stated respecting the same judges. It has been our uniform sentiments that no judge of a court of record ought to hold his commission *during pleasure*; for that would sap the independence of the bench by making him the creature of the Executive. It would not accord with the Constitution of the United States; nor, we believe, with the Constitutions generally of the individual States. It would be at variance with the genius of our laws and the protection of person and property, upon which life and liberty greatly depend. We are persuaded your Excellency's ideas will, in the end, meet ours in this respect.

As we shall now cease to trespass further on your patience, accept again, sir, our professions of readiness to unite, at all times and on all occasions, in laboring for the common weal by transfusing into the public mind those wholesome rules which, while they discourage vice, promote virtue, protect the weak against lawless force, and deny liberty to none but those who shall justly forfeit it by their crimes and the laws of the land. Such, we trust, will ever be the objects of a legislative body convened for the purpose of providing useful laws.

John Cleves Symmes,
G. Turner.

Observations on Extending the Jurisdiction of a Single Magistrate in the Trial of Small Causes, by Governor St. Clair, in the Legislature.

The Governor said he was opposed to the extension generally, for a variety of reasons. He observed that, in England, from which our laws and our practice had generally been drawn, no such power was lodged in the hands of the magistrates singly.[1] There was indeed, in that country, a court that decided in a summary way upon demands that did not exceed forty shillings sterling, and to that sum its jurisdiction stands limited to this day. The reason of the law establishing that court was, doubtless, to relieve persons in narrow circumstances from the delays usual in courts of record; but, though it was called the sheriff's court, the power of deciding was not vested in him, but in a number of judges, and he was properly the ministerial officer. In that country, there was a vast number of people who had scarce any property, and depended upon their daily labor for the maintenance of themselves and families by the wages they earned. It was to secure to those people, to whom the delays of courts would have been absolute ruin, the certain and speedy payment of those wages that the court was established; it was at least a leading reason and a principal object. As there were in the colonies, persons of the same description, though in a much smaller proportion to the whole people; and, as no such court as that of the sheriff had been established in any of them, it became necessary to provide for them in another way, and that was by giving power to single justices, in a summary way, to determine demands not exceeding forty shillings current money, and to that sum the power was limited for a great length of time. The reason of the law was at last forgotten, and, a kind of commercial spirit spreading with the increase of property, lawsuits became frequent, and it was supposed that this extension of the power of single magistrates might be made use of as a means to check them; and, from a law intended solely for the use of indigent people, it was converted into a regulation of police, and became to them an instrument of severe oppression. Consider, gentlemen, that all the delays in courts in the recovery of debts, and in countries at all commercial debts will be contracted frequently, are in favor of the debtor. If a debtor who, from that state of things, may have debts outstanding and not due at the time of demand made by his creditor, can not avail himself of those delays, the consequences seem certain that what little property he may be possessed of will be seized and sold for less by one half, perhaps, than its worth (for we all know that goods sold by public officers never reach near the value), and not improbably to that very creditor, who thus gets double his demand and ruins his debtor. But of the town of Cincinnati, and one or two places more, where there may be dealings between trading people, it is probable that, for some time to come, there will be no litigations where the thing in dispute, or the debt demanded, will exceed twenty dollars; think, then, of the consequences of all the litigated property of a country being subjected to the arbitrary decisions of single justices, often entirely ignorant of law and of the rules which ought to govern testimony; in a summary way, too, and without the intervention of a jury. Is it not certain that the decisions will often be contradictory? One justice, in cases exactly similar, deciding one way to-day, another justice another way to-morrow, and a third in a manner different from both? Every rule of property, wherever fixed, now must be set afloat, and, consequently, disputes be multiplied almost to infinity. I can hardly think of any condition more to be lamented, and know of few evils greater than such an uncertainty as this must introduce.

---

[1] June 3, 1795. In the Legislature, it was moved by Judge Symmes to extend the powers of single magistrates in the trial of causes out of court, as great inconveniences were left from their jurisdiction in that respect being so limited as it is at present.

The Governor observed that he had objections to any extension of that power which he thought would have weight, but should decline mentioning them until he knew how far it was proposed to extend the power.

The judge then proposed the sum of twenty dollars; to which, after some conversation, Judge Turner assented, that being, as he observed, about the usual price of a cow and calf in the western country.

From the petitions on the table it seems the people here expect, as they have done elsewhere, that the extending the magistrates' jurisdiction would be a means of rendering lawsuits less frequent. That it would render applications to the courts less frequent there can be no doubt; but a lawsuit is as much a lawsuit before a justice as before a court, and, though not so expensive, has much worse consequences. The consequences would follow for the reasons I have already assigned, to wit: that the proceedings are summary, and the execution prompt. It is putting into the hands of a hard creditor (and how often is it not seen that the wealthy creditor is a very hard one) the means to oppress an honest but indigent debtor, and to rob him of one-half of his little property, which might have been prevented if the time the usual proceedings the courts demand had been allowed him, and he could have called in his outstanding debts; he might have found means to borrow, or he might have pledged that very property, and afterwards labored for its release.

A worse mischief is still behind; this kind of jurisdiction fosters a contentious revengeful spirit among the people. I have seen some of the meetings before magistrates in the United States on their law days, as they call them, when the business was transacted with little or no solemnity, and where a looseness was allowed for abuse and recrimination that had a bad effect, not only on the manners of the parties litigating, but on those of all the auditors; and the very considerable numbers attending them, especially on the afternoons of Saturdays, the time generally chosen by those who have no manner of business, and they seldom failed of returning worse citizens, worse neighbors, and worse men, and in settling one dispute the seed of a great many were sown, besides much extortion is often practiced; to be convinced of which it is only necessary to look into the statute books of any of the States, where numerous laws are to be found for preventing and correcting it. Compared with these, the difference in the expense shrinks to nothing, and becomes lighter than the dust in the balance—that difference, too, ultimately falls upon the debtor, and may be considered as the price he pays for his failure in payment. If that failure has been involuntary, he pays it cheerfully, because it has procured him the time, at least, to have the money without sacrifice of his property and entire loss of credit. If it has been voluntary, it is a just punishment for that species of dishonesty which the law can not reach in any other way.

But it seems it is also expected that the extending the jurisdiction of single magistrates will lessen lawsuits by checking credit. The effect, I believe, if we may judge from experience, will be directly the reverse. While credit can be easily obtained, debts will be contracted, and sometimes by persons who know not at the time how they are to discharge them. But surely, credit will be more easily obtained when the creditor has a prompt way of compelling payment than when the laws offer him one only, which may be attended with considerable delay; and while that prompt remedy exists he will not, in many cases, be anxious to know how the applicant proposes to pay him, provided he is satisfied that he possesses sufficient property. The effect, then, must be by increasing credit to multiply lawsuits.

There is yet another evil which attends the summary jurisdiction. The entrance upon a litigation is attended with so little expense or trouble, and the judge is so near at hand, that on the first motion of anger, of revenge, or some other of the malignant passions, off the creditor goes to a justice, pays down his ninepence, and gets a warrant that is to involve the family of an unfortunate debtor in extreme distress, and shut him up in a loathsome jail.

To this very circumstance, that so little money is required in the outset, it is owing that the litigious spirit has spread over some counties like a devouring pestilence; whereas, were people obliged to wait some time after the first emotions of anger; to travel some distance and advance some considerable money for a writ and a lawyer, it is probable that many of those petty suits that now distress those counties, and banish the social virtues, would be ended amicably. These evils, and many more, have all proceeded from extending the jurisdiction of single magistrates; and the mischievous influence of it acts with so much regularity, that, knowing the character of a people as litigious or otherwise you may tell with certainty what is the spirit of their laws; and, contrariwise, knowing the nature of their laws in this respect, you may, with absolute certainty, infer the character of the people.

Although the administration of justice should certainly be so cheap as that every man may be within the reach of right, it should also be so dear, particularly at the first step, as that every body may be deterred from entering into lawsuits wantonly or to gratify a little revengeful disposition, to which they are too often prostituted.

For these reasons, and I would add many more, I am against the proposition; nevertheless, as the people are solicitous, though I think mistakenly, that it should obtain, and you, gentlemen, see none of the evils in it that alarm me, I shall consent to the jurisdiction of single magistrates being extended to demands under five pounds, with an appeal to the courts; leaving their final jurisdiction limited to five dollars; and, to that end, will propose the adopting of an act of the Assembly of Pennsylvania to that effect.

GOVERNOR ST. CLAIR TO THE JUDGES OF HAMILTON COUNTY.

CINCINNATI, *June 1st*, 1795.

Gentlemen:—The address you were pleased to forward me from your last February session has been received, and I thank you for your congratulations on my return and your kind wishes for the preservation of my life, as well as the regret you have expressed that I have not fixed my residence among you.

The vast extent of the Territory, and the distance between the settlements—there is very little connection they have with each other—which are, nevertheless, stretched out from one extremity of it to the other, render it scarce possible for the Governor to have a fixed residence anywhere at present, and he is, in consequence of that situation of things, frequently exposed to experience much fatigue, and, at times, no little danger.

Magistrates, gentlemen, will be appointed for the new townships you have pointed out, and all vacancies filled up. But I must take the liberty to observe to you that, though I have always been pleased to receive from all or any of you, in your private characters, information with respect to persons who may be qualified to fill offices, or any other subject that respects the common good, in your public character as courts, I can not receive recommendations for persons to compose parts of those courts. Evils of very great magnitude might grow out of the practice, and, at last, the independence of the Governor in his appointments be destroyed.

On extending the jurisdiction of single justices, the grand jury, at the February sessions, made a representation to the legislature, which, together with yours on the same subject, has been laid before them.

That the sessions of the courts have been drawn out to such a length as to be burdensome to the inhabitants, particularly the general quarter-sessions of the peace, I am very sorry for, and can not tell well how to account for it.

In the United States, in counties where there is a greater number of inhabitants beyond comparison, the business in the quarter-sessions is always dispatched in two or three days, and in most of them a session of that court is restrained by law from sitting longer.

May it not arise from business being done at the general sessions that might as well be transacted at special or private sessions? Few persons are obliged to attend, and none who have not immediate business. Indeed, the principal design of granting a power to hold special sessions was, I believe, to ease the general sessions of that kind of business. Be the cause what it may, it is a great grievance, and some remedy should be applied, towards which any thing that falls within the line of my duty shall not be withheld, and if it is not within that line, if my counsel can be of use, it will be given with pleasure, for it is a great object with me that the people, while they find safety, peace and good morals resulting from the laws, should, at the same time, find ease and convenience in the administration of them.

GOVERNOR ST. CLAIR TO WILLIAM ST. CLAIR.

CINCINNATI, *June 3d*, 1795.

Dear Sir:—An accidental opportunity offering to your country, I can not let it pass without dropping you a line. My last, by Mr. McKenzie, I hope you have received. The proceedings of Judge Turner altogether, and particularly as they respect you, surprise me exceedingly—for some of them he must undoubtedly answer in another place; and, as the whole of them were clearly illegal, so far as you are concerned, they will undoubtedly be reversed, which I will put in train before Judge Symmes, who proposes to accompany me to your country, leaves this place. I can not yet tell you, however, when that will happen.

The records, I understand, are in the hands of Mr. Jones, but in what manner he became possessed of them I do not well know. From some occasional conversation with Mr. Turner I have been led to suspect that you have been forced by him to appoint him (Jones) your deputy; if so, I am sorry you complied, though I can not think you would appoint Jones voluntarily a deputy, of such known bad character. You should have let him take possession of them if he would, but not to take them out of your hands in any way without legal process. If he is your deputy, the records are still in your possession, and you are answerable for his conduct, and no act of Judge Turner's in the business will relieve you should he falsify them. You should, therefore, displace him, which I desire you may do immediately. Besides, the office of register of deeds can not be executed by deputy. As there is no law to compel the register to keep the records at any particular place in the county, and as there are three towns in the county pointed out by law for the sessions of the courts, there is no one in particular the acknowledged county-town. You are, therefore, at liberty to keep your office in any part of the county that may not be inconvenient to the people, and Judge Turner was wrong in supposing he had a power to fix a place, and still farther wrong in exerting it to oblige you to fix it in any particular place.

What is become of Drouard? Is he an inhabitant? If he is, or if he is not, he ought to send forward his complaint. From what I know already of that business, and I know but little, he will recover very ample damages; but if he does complain, the circumstances of the seizure, the place where it was made, the division made of the goods (if there was any division, as I understand them, for it is said the judge took one half of them and suffered him to depart with the other half,) and every thing relative to the trial, condemnation, and sale, should be set forth and authenticated as well as it can be. The honor of the United States is concerned to do him justice, and I do not question, if he seeks it in a proper manner, he will obtain complete justice and ample damages. The court, the judge held was altogether illegal, and, of course, no court, so that whatever happened at it is absolutely void, and must be redressed. What happened at it as respects yourself need give you no trouble, as the prosecution against you was evidently malicious, and evidently calculated to justify his other proceedings against you. When the proceedings of the court are set aside, which they must be, you may recover ample damages against ——; but keep this to yourself until you see me; it will not be amiss if you let Mr. Du Moulin know. It might not be improper if a petition to Congress were set on foot, setting forth that Judge Turner has held a session of the Supreme Court, at which some oppressive things were done, contrary to law; in that the session in your county is appointed to be held in June only, and this was held in February, and March or April; but be careful to set forth nothing but what can be supported by testimony, and that thereby the people have not only been put to much trouble and expense, but, as it is apprehended, the proceedings are all void in themselves; for a court, though held by the proper officer, if held at different time than that appointed by law, is in truth no court, as you are instructed, and the same litigation is to be gone through, and the same expense incurred at the proper session, whenever it happens. I hope, however, that redress may be had sooner, and in an easier manner, but that depends upon the adoption of a law that is now under consideration. If it is adopted, Judge Symmes will be in the county this summer and hold the court as it ought to be held. I have inclosed the copy of a proclamation. I hope inquiry has already been made into the business, but I fear not, for, as it happened while the judge was in the country and he did not take any measures to cause the murderers to be apprehended, it is most probable the county magistrates have taken none. Spur them up to the execution of that part of their duty on which their own safety so much depends.

General Wayne to Governor St. Clair.

Headquarters, Greenville, *June* 5, 1795.

Sir:—It would appear that certain evil-disposed people in the State of Kentucky are determined to prevent an amicable treaty[1] from taking place between the United States and the Indian tribes north-west of the Ohio, and to whose aggressions may justly be attributed all the recent depredations committed by the savages. I had the honor to inclose you on the 2d inst. the information received from Captain Postner and Major Mills, relative to certain acts of hostilities committed by a *Mr. Whitesides* and his gang of marauders upon the Indians in the Illinois country, which you probably may have more clearly and fully explained by applying to Mr. Israel Ludlow, who was on the spot at the time that the two Indian prisoners were basely murdered, when under the protection of the civil authorities, without any legal notice being taken of it (as I am informed), although the act was as notorious as it was atrocious.

The inclosed information given by Lieutenant Jonathan Taylor, of the Fourth Sub-legion, who arrived from Kentucky on the 3d inst., will account for the hostile conduct and attempts of the Indians upon the express and other boats on the Ohio, and which, I fear, will not end there, because the savages never fail to retaliate an injury with severe interest.

---

[1] A number of the principal chiefs of the Chippewas and Ottawas arrived at this place on the 3d inst., from Michilimackinac, as deputies from those nations to attend the treaty.

If the real object of Parson Findley and Mr. Massey and their party was to form a settlement on the Scioto, they took a very improper mode to effect it by attacking and plundering the Indians (who were in a peaceable hunting camp), in place of gaining their friendship and confidence by acts of kindness and hospitality.

This Mr. Findley can not be a disciple of the meek Jesus, otherwise he would not thus wantonly bring war and desolation upon the innocent by the sinful aggressions of his guilty hordes of plunderers.

A similar expedition had nearly taken place some time since by a party of one hundred men from the Falls of the Ohio, under a Colonel Hardin; but the colonel, being a man of prudence, was dissuaded from it by Mr. Miller and Major Mills, who assured him and the people that the preliminary articles had been signed for a cessation of hostilities. Part, however, of the detachment could not be prevailed on to desist; they crossed the Ohio with the intention to murder and plunder. Captain Postner, having received timely notice of their intention, gave warning to the hunting parties of Indians in the vicinity of his post, who all came in under his protection, and thereby avoided the premeditated injury, which, probably, has been the means of saving the settlement of Post Vincennes from destruction.

These repeated acts of aggression are very unpleasant, alarming and serious, and unless some effectual measures are adopted to prevent predatory parties from Kentucky crossing the Ohio, the inhabitants of the Territory, over which you preside, will hold their lives and property by a very precarious tenure; added to this, that a permanent peace with the Indians will not only be retarded, but eventually frustrated, unless these predatory parties are totally suppressed.

Your own good judgment and experience will best dictate to you the most proper means to effect this desirable business, and in which I will most cheerfully co-operate, as far as may be necessary and consistent.

The measures I had heretofore taken would most certainly have prevented the savages from injuring the inhabitants, or committing depredations, were it not for the nefarious conduct already mentioned.

GOVERNOR ST. CLAIR TO GENERAL WAYNE.

CINCINNATI, *June 11th*, 1795.

Sir:—It gives me much pain, I assure you, that any obstructions should be thrown in the way of so desirable an object as a peace with the savages, which I am told you have a prospect of accomplishing, by any persons whomsoever, but more so that they should come from inhabitants of the Territory over which I preside; for I am sensible it is very necessary for them, as well as for the United States, and it must be embarrassing to you.

The instances you point to in the letter you honored me with on the 5th inst. I have heard of before, and a proclamation respecting the murder of the Pottawatamies was issued on the 1st of this month. That was an offense equally deserving punishment in war or in peace, because they were under the protection of the laws and in the custody of the officers. The other, said to be committed by Whitesides, can not, I believe, be inquired into, because, as I am informed, it happened before it was known that any cessation of hostilities had taken place, and the nation the Indians belonged to which were killed by his party was at open war.

The late affair under Massey does not come within the same description, and though the people with him were generally from Kentucky, he is an inhabitant of this Territory. If I can get any evidence whereon to proceed, an inquiry shall be made into it, although it is probable that this party were really the aggressors in the affair. It seems pretty certain that the savages they attacked, and whose camp they plundered, will not answer the description of a party "who were in a peaceable hunting camp." A part of them were at that time in Kentucky for the express purpose of stealing horses, and killing one man, as a prisoner (whom they had taken not long before) who has escaped from them has given information.

As I have never, sir, had any information on the subject of the armistice that took place between you and the savages, nor any knowledge of it at all but from a newspaper, it is very difficult for me to know how to proceed in case of infractions, or to tell what is an infraction; and there may be a doubt how far an agreement entered into by a military officer for a cessation of hostilities, however binding on him, is binding on the people. As yet, sir, they have no notice of it, that I know of, in this Territory that will bind them at all.

Parties from Kentucky, sir, with predatory designs against the Indians, you must be sensible, can not be prevented by any thing I can do from entering a country mostly uninhabited. All that can be done is to punish them after the act, if they can be apprehended. As prevention, however, is better than punishment, nothing to that end within my power will be withheld, and it would give me pleasure, sir, to co-operate with you in any way to preserve peace that may be agreed to between the United States and the savages, which, it is said, you are soon to negotiate.

P. S.—I believe, sir, that much of the late injuries on the river and its vicinity has arisen from Massey's affair, but all on the upper part of it was long before it and appeared to be wholly unprovoked. A man, too, has since been killed at Muskingum.

WM. BRADFORD, ATTORNEY-GENERAL, TO SECRETARY OF THE TREASURY.

June 19, 1795.

Sir:—I have attentively considered the question you stated to me yesterday, and have now the honor to transmit you my opinion on it. I understand it to be the following, viz: Whether the act, laying duties on licenses for selling wines and foreign distilled spirituous liquors by retail, is to be considered as extending to, and operating upon, the citizens resident in the Territory north-west of the Ohio.

There can be no doubt that all the laws of Congress, unless local in their nature or limited in their terms, are, in their operation, co-extensive with the territory of the United States and obligatory upon every person therein, except independent nations and tribes of Indians residing on Indian lands. There is, I conceive, no ground for the opinion that the north-western and south-western Territories are not to be considered as comprehended in the general terms of a law, and that they must be especially and particularly named in an act of Congress in order to include them. Independent of the general principle which governs in this case, it may be observed that the Ordinance for their government explicitly directs that they shall be subject to all the acts and ordinances of the United States in Congress assembled. The contrary doctrine ought not to be admitted in any case, much less in that of an act laying "duties, imposts or excises," which, by the express direction of the Constitution, must be "uniform throughout the United States."

The act under consideration is not limited, either in its terms or its nature, to the several States, but extends to every person who shall deal in the selling of "wines or foreign distilled spirits," etc., and must, therefore, operate throughout the United States wherever there are proper organs for carrying it into execution. These are the supervisors and officers of inspection, who are (in the manner directed in the act) authorized to issue the licenses and collect the duty.

The act for collecting a revenue on distilled spirits and stills certainly extended to every part of the United States; but, as there was no authority for forming districts and appointing the proper officers except in the States, the act could not be carried into execution in the north-west and south-west Territories. To remedy this defect, the President was authorized, by an act passed on the same day with that under consideration, to erect districts within the Territories and to appoint supervisors, etc., therein. Supervisors, when thus appointed, immediately become the organs for carrying not only that act into execution, but also the license act, and I can perceive nothing in the latter that can with reason be interpreted into an intention to exempt the citizens in one part of the United States from the payment of a duty which the Constitution directs should be imposed upon the whole.

GOVERNOR ST. CLAIR, TO OLIVER WOLCOTT, ESQ., SECRETARY OF THE TREASURY.

[*No Date*], 1795.

Sir:—Your letter of the 22d (20th) inst. met me at St. Vincennes as I was on my return to this part of the country, and I have been so pressed with business, all the officers being to be re-appointed before the meeting of the courts in the respective counties, that I could not reply to it sooner. The opinion of the Attorney-General, inclosed in that letter, I have considered, and shall make some observation upon it. But allow me to remark first that nothing but a supposition that the licenses that have been in question had been sent forward by the inadvertence of some of the clerks, and a danger I apprehended to the revenue in another case, which I did not mention, would have induced me to desire the officer not to issue those licenses until I could write and new orders be sent respecting them; and had he thought proper to keep that request to himself, it would never have been known here that I had given any opinion in the business.

I will proceed to the Attorney-General's opinion, in which I think he is mistaken, both as to the law and the fact; neither has the question been brought very exactly before him, for I think the question to be not whether any particular law is to be considered as operating upon the citizens of the Territory, etc., but whether the Territory be a part of the United States.

The Attorney-General has assumed a fundamental position that it is, and granting that all he said with respect to the particular law does clearly follow, and it is to be remarked that he has said nothing upon it that is not an inference therefrom, yet I believe that it is easy to prove that they are not a part of the United States; that the legislature have never considered them as such, but, on the contrary, as a dependent colony; that the Attorney-General has misconstrued the Ordinance for the government, and the act under consideration is limited both in its terms and in its nature to the United States, and that the act for collecting a revenue on distilled spirits is in exactly the same situation which some person besides me may think of, and is the danger to the revenue I apprehended. At present it is acquiesced in; it has passed *sub silentio*, and would grow into a habit, but the inquiry in one case may, and probably will, lead to inquiry in the other. That the inhabitants of a Territory are not a part of the people of the United States, I arrive at in this manner: They have a distinct government. It may be asked, have not the United States distinct governments, and, if they had not, could they be parts of the United States? But mark the difference: they have governments of their own making existing before they became united. The Government has a government for it, and imposed upon it by those very States, and if any thing can be a proof of inferiority and dependence, it is this very thing. Another: If the Territory be a part of the United States, the supreme judicial powers ought to extend to it. But the act establishing the judicial court divided the United States into thirteen districts, in none of which was the Territory included. It is strange that, if they were a part of the United States, that the supreme judicial power did not extend to it; but it never was intended that it should. The United States had provided them with a judiciary whose powers were competent to the necessities of the people and final, and that the Territory was not included within the jurisdiction of the supreme court of the Union is a legislative acknowledgment that it was no part of the United States. But, farther, the people have no voice in the choice of representatives of the United States, or any elective officer; and it was clearly intended that they should not have any such voice, for in the act for the enumeration of the inhabitants of the United States, in order to ascertain the number of representatives, no notice is taken of the Territory—no mode pointed out in which their suffrages are to be received—neither was any enumeration made or any suffrage given. If the inhabitants are a part of the people of the United States, and bound by the general laws of the Union, they are, at least, upon a very unequal footing with their brethren. The consent of the people, either by themselves or representatives, or at least a deliberation, has been supposed essential to give laws a binding force, and to them both of those are wanting; it would seem to follow that they are, therefore (if there were nothing else), not bound by them.

It is evident, from the act repealing, after the first day of June, 1791, the duties before paid on distilled spirits and laying others, that the Territories were not intended by the legislation to be comprehended. In all the revenue laws, the words within the United States is constantly made use of, and by that just mentioned, made to facilitate the collection of the duties. The President was empowered to divide the United States into districts, *each district consisting of one State.* But the Territories are not States, or the inhabitants would be entitled to the same privileges, and participate in all the advantages equally with the other States, which, it has been shown, they do not. Those districts might, indeed, be altered by the President, by adding to the smaller portions of the greater, so as to render every one of them convenient and nearly equal, but not to equalize them by adding to any or taking away from any who was no part of any. To do that, the President has no power, and the fundamental description is, *each consisting of one State.* But it has been proven that the Territories are not States; of course, the President, at that time, had no power, and did not add the Territory north-west to any district, and this is another instance of legislative acknowledgment that the Territory was not considered a part of the United States, but I should never have done were I to refer to every law by which the same consequences would follow.

The truth is, the Territory is a dependency of the United States, not as yet an integral part of them, but capable of becoming so at a future day. Of course, the laws of the Union wherein they are not immediately designated, do not operate upon them, at the same time such a phraseology may be used as will extend to general laws without the express description. Thus, in the first two sections of the act for punishing crimes in certain cases, the expression "all persons owing allegiance to the United States," does, in my opinion, clearly comprehend them, for the inhabitants here owe allegiance to the United States, but it is a consequence of their dependent state, and not of the act of the Union to which they are not a party, which is another proof that they are not a part of the United States.

The words of the law the Attorney-General had been considering, "every person who shall deal in selling wines," etc., does not prove that the law is not limited to the several States. It is confessedly a law of the United States, not extended by any words whatsoever beyond the United States; it must, therefore, as he justly observes, operate throughout the United States, but not beyond them, for it has no express extension, nor any of such an import as an extension would follow from as an inference. It is the same with respect to the act for collecting a duty on distilled spirits. It extends to every part of the United States, and not beyond them. It is true, however, that, had it extended beyond them without proper officers, it would not have been collected, and an act was passed authorizing the President to form districts and appoint officers in the Territory, and it is readily granted that this may be considered as a proof of the opinion of the legislature that the Territories are part of the United States, but it is not a proof sufficiently strong to overthrow those that have been already adduced to the contrary. It will, perhaps, prove no more than that people do not always think correctly or alike with regard to the same subject. I believe, sir, the most that can be fairly deduced from the act is, that the duty was virtually extended to the Territories, and that, as it has been acquiesced in, it is well enough. But it is not a principle to depend upon. It is otherwise with the last in question, when not even in a virtual extension could that be depended on, can be pretended. It is a general law of the United States, made by the Representatives of the United States for the United States, and not extended to their dependencies, and a good reason may have operated with Congress for not extending that law. As a dependent people, it has been seen that the situation of the people in the Territory is not so eligible as in the United States—they have, however, no reason to complain of that, for it is a situation they have chosen, but the immense distance they are from the sea-coast, and the very heavy expense that attends the transportation of the articles subject to that license tax, left them still in a worse situation than the inhabitants of the United States who paid it, and this was probably the operating cause why it was not extended.

I presume to think, sir, that the Attorney-General has entirely misconceived the Ordinance for the government of the Territory, or he would not have adduced that passage, "they shall be subject to all the laws and ordinances of the United States in Congress assembled" to prove that "there can be no doubt that all the laws of Congress," etc., are, in their operation, co-extensive with the territory of the United States, and obligatory upon every person therein. It is to be observed, sir, that the Ordinance consists of parts that respect very different, and, perhaps, distant times, and that, in order to come at its true meaning, the times to which the different parts refer must be taken into view; and that if a part of that instrument intended for a future period be applied to the existing time, the sense and import will be mistaken, and this is principally what the Attorney-General did. The object of the Government was to extend the population of the country; and, as local circumstances would have rendered the new settlements inconvenient parts of the United States, they determined to effect it by colonizing; different stages in the progress of the colonies were contemplated and provided for. The first was that stage in which the Western Territory still is, and a Governor and legislature of kind entirely new, and a judiciary was formed. The second stage was that when, having gained a certain population for it, it was supposed the people might be trusted to legislate for themselves; but the government is to remain. The third is that wherein the population having increased to a certain degree, the people were to form governments for themselves, be admitted into the Union by their representatives, and become integral parts of the Union. Then all the general laws of the Union will become binding upon them, and justly, although, in the forming of them they neither had a deliberative nor negative voice, for it is the terms upon which they separated from the Western Territory, and were again to be reunited. The articles of compact, and of which the relation to the laws is the fourth, and which, with much more propriety, may be called the terms on which the colonies shall be settled, for a compact necessarily implies two parties; but, as at the time of publishing the Ordinance, there were neither States nor people to contract with in the territories, it most evidently refers to the last stage, and can be applied to no other. Any inference drawn, then, from that, and applied to the present stage, must be nugatory, at least. Had the people of the Territory been capable of agreeing with the United States—"that they would forever remain a part of the United States"—from the very force of the term they must have been a distinct part of the United States at the time, but they did not exist distinctly at the time, though comprehended in the whole. It involves too great an absurdity to say that the United States made a compact with themselves; that an unknown part of themselves should forever remain a known part of themselves; and yet, such is the consequence of applying regulations calculated for a distant and different stage to the present. The Ordinance contains the form of the Colonial Government in two different contemplated stages, and the articles of compact, so called, the terms held out, which every individual in the United States was free to accept or reject at his pleasure. If any did accept them, and remove into the Territory, they ceased to be citizens of the United States and became their subjects, and the right of making law, particular law, for them at all is derived from that source only.

The following, sir, I believe is a just comment on the fourth article of the compact: The territory, that is, the soil, shall forever remain the property of, or a part of the soil of the United States. The States which shall be formed therein, whenever they have sixty thousand male inhabitants, or at an earlier period if the United States think convenient, shall become integral parts of the United States, and be admitted by their delegates into the Congress of the United States on an equal footing with the original States. They shall be subject to the articles of confederation (now of the Union), and to all acts of Congress made conformably thereto, etc.; and, until they arrive at that degree of population, they shall remain in an independent colonial state, subject to such particular acts of Congress as the general interest of the nation may require they should be subjected to; in other words, have such acts, and such acts only, wherein they are particularly named, or included, by the necessary and direct import of the enacting words.

There is, sir, at present, no person appointed to prosecute for the public; the office has been offered to and refused or resigned by every practitioner at the bar who was in any wise capable of exercising it. The necessity of such an officer, and some allowance from the United States, has been often and fruitlessly represented by me, for as yet the situation of the people here does not admit of their being burdened with salaries. By a law adopted at the last session of the legislature, the emolument of the public prosecutor has been something increased, and I have written to a son settled in the profession at Pittsburgh, offering him the appointment, but do not know whether he will accept it or not.

GOVERNOR ST. CLAIR TO OLIVER WOLCOTT.[1]

CINCINNATI, *July* 24, 1795.

Sir:—The letter you did me the honor to write on the 20th of June, came to hand on the 20th instant, and I would have replied to it immediately if the post had not departed before the letters he brought were delivered, and I am the more concerned that the opportunity was missed, as the opinion of the Attorney-General, which my letter of the 5th of May to the Secretary of State had occasioned you the trouble to take, was not inclosed, as you therein mentioned it to be. Your letter contained no inclosure whatever.

---

[1] This letter is given after the one preceding, which is a reply to the argument of the Attorney-General, although it properly comes before it in date of composition.

The intimation given by me to the Secretary of State (but which might, I suppose, without a breach of propriety, have been addressed directly to you), that the laws of the United States are not deemed to extend to either of the Territorial districts, I thought it my duty to give on that occasion, because I supposed ill consequences might follow from a question arising on a revenue law being recorded in a court of law against the revenue officer or other, suing for the penalty attached to a breach of the law. I did believe (and still do believe) that with respect to the penalty for selling foreign distilled spirits and wine without license, it would happen.

Whether it be an inadmissible pretention or not that the territorial districts are not bound by laws of the United States unless specially named, is not for me to determine. It is, however, no new pretension, and is a doctrine which has been long held with respect to colonies. Those districts are as yet no part of the United States, but dependencies upon them, and have ever been considered in Congress as colonies. The duty laid on domestic distillation was never conceived to extend to them, or attempted to be collected in them under the general law. It was extended to them by a supplementary act, in which they are expressly named, a measure that was recommended by me to the late Secretary of the Treasury.[1] That very act in which they are thus expressly named, and other revenue laws, in which they are not named, came to be put in operation here at one and the same time. That diversity alone would have been enough to have raised a doubt if the matter had never before been thought of. But, sir, I recollect a conversation with Mr. Randolph, when Attorney-General, on the subject, when he expressed a sentiment similar to that which has been transmitted to you from my letter to him. He did also express a like sentiment to Judge Turner in another conversation, as the judge has informed me, and it likewise was the opinion of Mr. Jefferson, though perhaps neither of those gentlemen expressed themselves so strongly as in the words used by me—for obvious reasons, I chose to express myself as strongly as I could.

---

[1] Mr. Hamilton.

It is of little consequence what my own opinion on this subject
ay be, because, judicially, I can never have any thing to do with
; and, executively, the Government has a right to command my
-operation with its measures, wherever that co-operation can take
lace—my disposition to do so I trust is not doubted. The magis-
racy, by whom is meant, I suppose, the judges of the different
ourts, will, doubtless, pay due regard to the opinion of the Attor-
ey-General; but, unless I intended in the present case to impress
hem unfavorably, I should be unwilling to tell them that you
ount upon their co-operation, for I repeat it, sir, breaches of the law
n question are only punishable by action at law.

The revenue that can possibly arise from the licenses in this Ter-
itory is a very trifle, and in most cases they have been purchased
or this year already. But if it is to be enforced, the decision of
ne action against the person suing for the penalty puts an end to
t, and will lay the collector open to much vexation, for, I suppose,
uits would be instituted against him to recover back the money for
the licenses by most of those who have already paid it. At the
next meeting of Congress (if it was their intention the tax should
be levied here), they can put it beyond a doubt by extending the
law relating to foreign spirits and licenses expressly to the Territory, as was done with respect to the duties on domestic distilled spirits.

OLIVER WOLCOTT TO GOVERNOR ST. CLAIR.

TREASURY DEPARTMENT, *June* 20, 1795.

Sir:—The Secretary of State has transmitted to this department an extract of your letter to him dated May 5, 1795.

As to the intimation therein given, *that the laws of the United States are not deemed to extend to either of the territorial districts unless they are specially named*, appeared to me to countenance an inadmissible pretension, I have lost no time in obtaining the opinion of the Attorney-General on the point, a copy of which I have the honor to inclose.

I have only to observe that as I perfectly concur with the opinion expressed by the Attorney-General, the officers of the revenue will be instructed to enforce a compliance with the law, and that I count entirely upon the co-operation of the magistracy and officers of the district over which you preside.

GOVERNOR ST. CLAIR TO GOVERNOR SHELBY.

CINCINNATI, *June 20th*, 1795.

Sir:—On the 5th instant, I was informed by General Wayne that some little time before, an attack had been made on a camp of Indians on the Scioto by some people from Kentucky, headed by a clergyman of the name of Finley, and a Mr. Massey.

The Indians were peaceably following their occupation of hunting, in full faith of the cessation of hostilities that had taken place between the General and their nations; and the depredations that have since happened in Kentucky, upon the river and in this Territory, are justly to be attributed to that wanton violation of public faith. Mr. Massey, who is an inhabitant of this Territory, would have been prosecuted before now had there been any evidence against him, but as the people who were led on to this crime were from Kentucky, and retired to it immediately, and Mr. Finley is also an inhabitant there, there can be no want of evidence against him, as the plunder of the Indians was carried to Limestone and publicly sold, in open daylight.

A regard, sir, for the national character will, I doubt not, induce an inquiry; but I must take the liberty to remonstrate against the inhabitants of the country over which you preside entering this Territory in arms, and disturbing the peace of the same, which I now do in the most solemn manner; and request you, sir, to take efficacious measures to prevent its happening in future.[1]

---

[1] That these attacks on the Indians were general throughout the Territory will be further shown by the following:

PROCLAMATION.

Whereas, I have received information, by the Honorable George Turner, one of the Judges of the General Court, that on or about the 15th of March last, a most horrid murder was committed upon the bodies of two Indian men under the protection of the law and in the custody of a civil officer, at or near to the Bellefontaine, in the county of St. Clair, by some persons inhabitants of said county; and, whereas, the said murder was committed in open daylight, and in the presence of some of a guard of militia, who had been conveying the said two Indians, and just delivered them to the sheriff of the said county to be by him committed to the jail of the county, by virtue of a warrant from the said judge, the perpetrators can not be unknown. These are, therefore, to require and command all and every of the justices of the peace, the sheriff, and all other officers of the said county, to cause diligent inquiry to be forthwith made into the said murder, and search and pursuit, if need be, after the perpetrators thereof.

In witness whereof, etc. ARTHUR ST. CLAIR.

GOVERNOR ST. CLAIR TO GENERAL WAYNE.

CINCINNATI, *June* 30, 1795.

Sir:—I had the honor to receive your letter of the 28th last
ght, and am very much obliged to you for the information it con-
ns. Although I am of opinion, with you, that the meditated
oke of the Shawanese is over, for I believe that the depredations
at have of late happened in Kentucky and upon the river have
en committed by that very party—I shall give notice to the set-
ments above to be on their guard lest it should be otherwise; yet,
truth, what they have suffered is but a just punishment for their
nton disregard to order and humanity, and if it fell on the guilty
ly I should not regret it one moment. I have complained of it to
e Governor of Kentucky, but do not expect any effect therefrom,
t, as I am going to Lexington, it may be that I may get some
idence against Mr. Massey, who, in that case, I will order to be
osecuted immediately.

It gives me great pleasure, sir, to hear that the Indians are likely
be in with you so generally, and with such uncommon punctual-
y. It is a very favorable [out] in my opinion, for the issue of the
nding treaty, which I doubt not will end in a manner favorable to
e interests of the United States and this Territory, and to your
nor and satisfaction, which is the sincere wish of, sir, your very
umble servant.

No doubt, Major Doyle has informed you of the destruction, some
istance above Massac, of a Mr. Chew, from Maryland, with
ghteen or twenty blacks. I mention it, however, lest he should
ot have done it, for I believe it to be necessary that you should be
formed of it in the instances where the cessation of hostilities
as been infringed by them. He supposes it to have been done
y the Pottawatamies, and, if so, it was probably in revenge for the
juries they sustained in the Miamis' country.

GENERAL WAYNE TO GOVERNOR ST. CLAIR.

HEADQUARTERS, GREENVILLE, *August* 19*th*, 1795.

Sir:—This will be presented to you by Major Vigo, who has been
t this place for some time, and now is on his way to Post Vin-
cennes.

When I wrote you on the 15th instant, I was still beset by the Indian chief in favor of a few more favorite traders, a list of whom I have the honor to inclose.

Two days since, a Cherokee chief, with four young warriors, arrived here from the head-waters of the Scioto, bearing a talk from Coonaniskey (*alias*) Big Spider, in which he solemnly promises to prevent all his people from doing any further injury to the persons or property of any of the citizens of the United States; that he will withdraw all the remaining Cherokees from this side of the Ohio in the course of this fall, and return to his own nation; that the greater part had left the Scioto very early in the spring, in order to settle in their own country. This part of his message I know to be true, by an extract of a letter from Governor Blount to the Secretary of War, in which he says: "A considerable number of Cherokee warriors, with their families, arrived on the 27th of May at the Tellico block-house; that they had forever abandoned the hostile tribes north-west of the Ohio, and were determined to remain peaceable in future." All the mischief that has been done up the Ohio for some time past, was by the party of Shawanese mentioned in my letter to your Excellency of the 28th of June, in retaliation for the aggression of Mr. Massey [Massie]. This disagreeable business will now terminate. The Shawanese chiefs have solemnly promised to call that party to a severe account, and the other nations have also determined to assist in their total extermination, should they continue hostile.

Blue Jacket left this place on the 15th instant, with a message to that party to cease from all kinds of hostility toward the people of the United States, and immediately to deliver up all prisoners in their possession, or abide the fate that awaits them in case of non-compliance with this demand. Hence, I trust that peace, with all its train of blessings, will attend the citizens on the frontiers of the United States in future, unless prevented by their own misconduct.

With these sentiments, and with the sincerest wishes for your safety, health, and happiness, I have the honor to be, etc.

GOVERNOR ST. CLAIR TO EDMUND RANDOLPH.

CINCINNATI, *Aug. 24th*, 1795.

Sir:—The Ordinance for the government of this Territory requires that the Governor and judges shall, from time to time, report to Congress the laws by them adopted and published. Since the new organization of the General Government there has been no mode pointed out for those communicating directly with Congress, and they have conceived that the communication which went formerly through the Secretary of Congress must now go through the Secretary of State, and, in consequence, you are troubled with two lists of the laws adopted at a session of the legislature which closed this day—one for the Senate and one for the House of Representatives.

The act of Congress entitled "An act respecting the government of the Territories," passed May 1, 1792, directs that the laws of the Territories shall be printed under the direction of the Secretary of State, and two hundred copies to be delivered to the Governor to be distributed. The legislature have found that they can be printed here, which will not only put them sooner into the hands of the people, but diffuse the knowledge of them more generally, and have, with these views, contracted for printing those of the last session; but, at the same time, that called up an expectation to the printer that he might possibly receive from the General Government the sum which printing two hundred copies would have cost in Philadelphia. Should the measure meet your approbation, it will be very obliging if you will please to put it in train.

The same act directs the Secretary of State to provide proper seals for the respective public officers. When Mr. Jefferson was about that business, the recorder's office was some how omitted, and that office is without a seal in all the counties, which are at present four in number, and this session an Orphans' Court has been erected, which will make the number of seals wanted amount to eight, two for each county. With the seals Mr. Jefferson forwarded presses. The device of all offices the same, and they differ only by the inscription, and I have the liberty to inclose an impression of one of them.

GOVERNOR GAYOSO[1] TO GOVERNOR ST. CLAIR.

NEW MADRID, *Sept.* 26, 1795.

Sir:—Captain Vatte, commanding officer at St. Genevieve, has informed me of your Excellency's arrival at Kaskaskia. I shall think myself very fortunate if, when I go up to St. Louis, your Excellency should be yet at your actual residence; in that case, I propose myself the honor of offering you my respectful assurances of the sincere esteem that I have had for you, which, in the meantime, I do now. This circumstance is the more satisfactory to me, as I am really persuaded that our conference will prove beneficial to our respective countries; an object that I always have in view, besides that it is the positive will of the King of Spain, my master, to keep the best and the most intimate harmony with the United States of America. Be persuaded, sir, that our interests are not incompatible; on the contrary, it is my opinion that there are no two nations in the world that by every circumstance ought to be more connected than we. We can be of service to one another, both in trade and political concerns. I refer to a future day the explanation of these important objects. I have the honor to repeat to your Excellency the most earnest protestations of the attachments, respect, and esteem.

---

[1] Manuel Gayoso de Lemos, Spanish Governor of Northern Louisiana.

GOVERNOR ST. CLAIR TO PRESIDENT WASHINGTON.[1]

PHILADELPHIA [*Without date*], 1795.

[Extracts from a private letter.] . . . . . .

As I feel myself under sensible obligations for the confidence you have always reposed in me, it would be a want of candor and an ill-return if I did not inform you that I have been very much disgusted for a considerable time, and in consequence of treatment from some of the departments, which I persuade myself has never come to your knowledge, but which made such an impression upon me as to determine me to retire from all public service; a resolution which was not carried into immediate execution only from the consideration that it might be construed into ingratitude and disrespect to you, and that the wretched situation of my affairs did not admit of its being carried into immediate execution. That derangement in in which they have been, and still are, has been produced by that very conduct of the departments,and the foolish, unbounded confidence I had in the honor and integrity of the Government.

I have indeed had much, sir, to complain of, and injuries can sometimes be offered which do not make the slightest impressions that can not well be complained of, but I have met with others which seemed calculated to destroy any consequence I had or could obtain in the office I filled, and to wound that self-love that every man possesses, and ought to possess in a greater or less degree.

---

[1] This letter is made public in justice to the memory of the noble writer, and of the generous friend to whom it was addressed. It recalls the words of Milton:

From inward grief
His bursting passion into plaints thus poured.

While the friend compelled respect, he had it not in his power to allay party passions and secure justice from the Congress—nor was it ever done.

It began with the War Department, to which the control of Indian affairs is given, and the superintendence to me. That office you know, sir, I held before the establishment of the new Government, and, as such, I was known to the Indians, but, for a very long time I have never been made acquainted with any thing respecting them; numbers of them have been called to the seat of Government from time to time, and by persons employed by the Secretary of War, without the slightest intimation to me. Persons have been sent to reside among them, in public characters, without my knowledge or concurrence, and who never thought proper to have the smallest communication with me. Neither have I ever been informed of the name or residence of my deputy, or received a single line of information or intelligence from him. I know not, sir, whether the manner in which I conducted the negotiation with the people, intrusted to me, may not have been disapproved of. I had not reason, however, to believe it had, and I am certain it was a very difficult and very delicate business. If a war with them is at all times to be avoided, if possible, it was more necessary that it should have been then avoided when they were united and prepared for it, and the Government of this country was at a full stand. A war was prevented at that time, and such a division among them brought about as they were never able to overcome, when it afterwards became unavoidable. The share I had in prosecuting that war, when it did supervene, although very unfortunate, I have no cause to be ashamed of, though the consequences to me have been the same as if the sinister events of it had been produced by my misconduct. It was ended, however, by negotiation, and so little was the superintendent considered, that he never had any official information of its being in train, and the first notice of its being concluded was the seeing a proclamation of General Wayne's in the newspaper, commanding the people in my government to abstain from hostilities. Nor, to this moment, have I any other but a copy of the treaty sent to me by General Wayne, in consequence of my representations to him, in as delicate a manner as I could, that his powers could go no further than to stop hostilities between the troops and the Indians. As to the people, it belonged to the Executive of the Territory. Since the peace, part of the militia have been embodied, by orders from the War Office, to the commanding officer of one of the counties, after they had been disbanded by my orders, without the least intimation to me.

The negotiation with the Indians, conducted by me, involved considerable expense, which absorbed all the moneys in my hands, and the execution of your orders to extinguish the Indian titles in the Illinois country demanded that presents for that purpose should be provided. These were obtained on my private credit, there being no moneys for that purpose in the treasury, and I then had confidence in the public, and believed they also had confidence in me. The accounts of my expenditures had not been settled, though they had been presented to the treasury board. Before the new government took place, they were again presented to Mr. Hamilton, but no appropriation had been made for the payment of debts of the old government of that nature. He told me he thought the accounts ought to be allowed, and wanted to ask for an appropriation and pay them; he, however, did forget them that season, and when I applied again, he candidly told me so. I was pressed for payment, and the person[1] who had made the advances, I knew, was embarrassed for want of his money, and demanded interest. This I represented to Mr. Hamilton, who thought it reasonable, and said it would be allowed. He even took the trouble to go with me to the Secretary of War, in order, if there had been money in his hands for the Indian Department, to draw it out and pay it. There was none, and of course the business had to lie over until another session of Congress. I was going to the westward to a great distance, from whence I might never return, and my creditor insisted on security. On the promises Mr. Hamilton had made, I did not hesitate to give my bond in security. On my return to Philadelphia, I again applied for payment, and the accounts were referred to the comptroller, who raised an infinity of objections, and concluded, after much insolent altercation, that an application must be made to Congress. In the last, he may have been right, but he could not have been right in the pains he took to prevent the accounts being allowed, and which had the effect to procure the rejection of so much of them as to leave me saddled with a debt of upwards of six thousand dollars and a judgment hanging over my head. To raise this money, I was obliged to sacrifice an estate for which the day before I would not have taken twenty-four thousand dollars. Neither could he have been right in allowing to others charges of the very same nature objected to—to General Putnam, who made use of those very goods purchased and paid for by me, was allowed his extra expenses, even to the washing of his shirts. Misfortunes I can bear with firmness, but the insolence of office throws me off my center, and the hardest struggle I ever had was to keep my hands off him. I have had occasion to write frequently to the Office of State, but since Mr. Jefferson left that office, that my letters were received it was, perhaps, too great condescension to acknowledge.

---

[1] James O'Hara, who, some years later, when it was impossible to obtain money at any rate of interest, on account of the embargo, took out an execution against St. Clair's property, by which he was reduced to poverty in his old age. The money was due from the United States.

By the Land Law, just passed, new duties are assigned me, and, although it can not be but that they must be attended with considerable expense, no provision is made for it, and the appointments of the office do certainly not allow any extra expenses.

From the surrender of the posts, which will soon take place, it appears that the Governor must visit them and set the civil government in motion. That can not be done without a very heavy expense. The organizing it heretofore in the distant parts absorbed the whole of my salary and more; nor since I have been in the office, until the last year, have I ever been able to save a farthing.

Detroit, I am well informed, is the most expensive place in the world, and to give such impressions as ought to be given on the introduction of a new government over new subjects can not be done without considerable expense. I am now poor, very poor, and were it proper, which it is not, can not make them from my own funds, and no provision is made for that purpose; besides, I have too much experience of the disposition of Congress and the officers to run any risks of that nature again.

It may not be known to you, sir, that my being in Philadelphia this winter was rendered necessary by the comptroller, to obtain compensation for my horses.[1] It is an object now of importance to me, or I should not have come; but in the settlement of the accounts of the unfortunate campaign, I was held responsible for a very large sum of money, the vouchers for the expenditure of which had been lost in the action, and a small balance of my private accounts, though settled, was detained from me until they should be produced. Those vouchers were held by me in pursuance of the spirit of my instructions, to justify the warrants I had drawn upon the quartermaster, and were for horses ordered to be purchased before his joining the army. To discharge myself on the treasury books and receive the money that had been withheld, and which I was obliged to borrow at exorbitant interest, I had to ride all through Kentucky, and return to this place, and, of course, to spend nearly all the money I had to receive. In this manner have I been treated; for what reason I know not, unless it be that I could not stoop to solicitation when I was asking for justice.

---

[1] St. Clair had four horses killed at the battle, 4th November, 1791.

GOVERNOR ST. CLAIR TO GENERAL WAYNE.

MUSKINGUM, *December* 5, 1795.

Sir:—I was extremely sorry that I could not write to you before I left Fort Washington, as well to acknowledge the letter I had the honor to receive from you as to thank you for all the civilities I received from you before I left this part of the country. On the 2d instant, I met with a letter from the Secretary of War, of the 9th of November, announcing the design of certain Frenchmen to engage in some military enterprise against the possessions of Spain on the Mississippi, to set out from Kentucky. Of this, I had received information before I left Fort Washington, and informed Governor Shelby of it, in order that he might take such measures to prevent it as he judged proper. From the above letter, which was accompanied by a copy of one from the Secretary of State to Governor Shelby, the following is an extract:

"The President of the United States has instructed me to request that you will consider the letters to the Governor of Kentucky as written to yourself, and that you take all the measures in the course of the laws for the prevention of the design in the manner suggested by the Secretary of State, but if the design should have assumed such an aspect as to bid defiance to the operation of the laws, that you use the militia of your government to prevent the design, or that you request the officer commanding the troops of the United States in your neighborhood, or in the name of the President of the United States, to afford you such assistance in the effectual suppression of such design, and the apprehension of the offenders, as the nature of the case may require."

It is impossible, from the feeble and distressed state of the settlements of the country, to make use of the militia to any purpose; neither, from your situation, can much assistance be expected from you; but I beg leave to suggest to you that it might not be improper in you, as the horse are now in Kentucky, to make an offer to Governor Shelby of such assistance from them as he may require, and to give orders to the officer commanding them accordingly; and

I have written to the Secretary of War that I would take the liberty to offer you this advice.

I have been very happy to hear that you have a prospect of some winter operations, and do most fervently wish you success.

JAMES MCHENRY TO GOVERNOR ST. CLAIR.

WAR OFFICE, *May*, 1796.

Sir:—The President has had information which affords strong ground to believe that there are certain persons employed and paid to visit the Western country for the purpose of encouraging the people of those parts to secede from the Union, and form a separate connection with a foreign power.

The persons more particularly pointed to as emissaries on this occasion, are one Powers, DeCallot, and Warren. It is said, also, that they have received written instructions from their government, and letters to influence men in the district of country that has been decided as the field for their operations.

The route (at least of some of them), is by Pittsburgh down the Ohio to the old Shawanese town; thence across the Ohio, through the lower parts of Kentucky; thence to Post Vincent; thence to St. Genevieve; and thence down to New Orleans.

It is thought that they will be very open in their conversations, that they will be easily traced by those apprised of their project, and that an overweening confidence in the success of their mission may originate circumstances upon which to ground a legal procedure for the seizure of their papers.

You will perceive that it is important to such a seizure that they should have no reason to suspect, from ill-timed inquiries or measures, that they are discovered. You will, of course, keep your knowledge of their errand and designs to yourself, and trust it only to those who may be necessary to the plans you may adopt, and at the moment when it confidently may be used to effect its successful execution.

Powers is of Irish descent, about thirty-five years of age, a man of science, seemingly versatile, speaks French, Spanish, and English with equal fluency, and pronounces each as a native.

DeCallot is a Frenchman, full six feet high, about forty years of age, and speaks English very well.

Warren is also a Frenchman, was lately a sub-engineer in the service of the United States, which he resigned for his present employment, speaks English tolerably, is about thirty years of age, above six feet high, black hair, ruddy complexion, and easy manners.

I have only to add that these persons are believed to be in possession of papers which it is considered of great importance to obtain, and I have to request, if procured, that copies be made of them, and attested, as well as the originals, by yourself or some other person, and forwarded by safe conveyance to the President.

GOVERNOR ST. CLAIR TO THE SECRETARY OF STATE.

REPORT OF OFFICIAL PROCEEDINGS IN THE ILLINOIS COUNTRY.

(*Without date*) 1796.

Sir:—On the 4th of May last I informed the late Secretary of State that some confusion in the western counties of this Territory had been occasioned, in some measure, by some interferences of the judicial with the executive authority, which appeared to me to be improper, and would oblige me to visit that country. Afterward, I received information from General Wayne that, after the armistice had taken place, a number of Indians peaceably following their occupation of hunting had been killed in that country, and, about the same time, I was informed of two Pottawatamies, in the custody of the sheriff, having been murdered there. As Judge Turner was in that part of the country when the murder was perpetrated, I applied to him to be certified of the circumstances, and whether he had taken any and what steps to bring the offenders to justice. In answer to which I received the letter herewith inclosed, and also his communication with the sheriff on that subject, upon which I issued a proclamation requiring the offenders to be apprehended. The legislature was at that time in session, and it was not until the 29th of August that I was able to leave Cincinnati, in company with Judge Symmes. A court was held at Kaskaskia as soon as possible after his arrival there, where the most positive testimony was adduced to the grand jury against two persons, inhabitants of the county of St. Clair, that the murder was committed by them, but no bill was found against them. The court then adjourned to Cahokia, another town in the same county, when, at my request, the matter was again brought before the grand jury in a very pathetic charge from the judge, and I directed the persons prosecuting the public pleas to send a bill for murder against the two persons who had been before sworn to as the perpetrators, but it was returned.

Another was then sent up, for manslaughter, which was returned in the same way, and produced the presentment also inclosed herewith. From the inquiries I made into the affair of the Indians killed at their hunting-camp, I found the circumstances to be not only not blameable but laudable. The nation they belonged to had been at open war, and committed great depredations and many murders, and some of them very recently, in that country, and neither the Indians nor the people had received any account of a cessation of hostilities having taken place. The people, at least, had not, and they had received intelligence that the settlement would be attacked by the Indians the next morning. I am sorry, however, to add that, had the affair been ever so criminal in its nature, it would have been, I believe, impossible to have brought the actors to punishment. The difficulties that have occurred in cases of that nature in various parts of the United States, as well as in this Territory, and the stain it fixes on the national character, has often led me to consider whether justice could not be secured to the Indians by adding some sanction to the law beyond what is usual between the citizens, and it has occurred to me that, were a pretty heavy pecuniary fine to be set upon the murder of an Indian, and a proportional one for lesser injuries, to be levied upon the counties where the offense was committed if the offenders were not brought to justice, it would probably have the effect, for it is often seen that the minds of men little tinctured with justice or humanity, have a pretty strong sympathy with their pockets, and I believe it to be a subject within the province of the general legislature.

My letter of the 4th May last contained extracts from letters of Judge Turner to me respecting some services that had been made by his authority, and complaints against some county officers, particularly Mr. Vanderburgh, the judge of probate for the county of Knox, and of my answer to him on those subjects on the 14th December last. The case involving the goods that had been seized on the Wabash was dismissed by Judge Symmes, and the goods restored; and in the case of that against those that were seized on the Ohio and sent to Kaskaskia, and there condemned and sold, a writ of error has been brought, and the condemnation will probably be reversed. And, indeed, if goods transporting on the navigable rivers from one part of the Territory to the other, are liable to seizure because they may be goods usually vended to Indians, those rivers would be useless to the inhabitants, and no person who might venture to use them safe from the practice of common informers. It gives me pain, however, that the Secretary of State should ever have been troubled with complaints about county officers; as to the punishing their official conduct, the courts and the power of the Governor are unquestionably competent; but, as complaints also against the judge were involved in them, it became necessary for me to send them forward. The parties have made their respective representations, which were inclosed in my letter of the 25th August. An official copy of the transaction of Mr. Vanderburgh in the circuit court complained of, is inclosed.

When I went to the Illinois country in 1789, I was directed to inquire into and confirm in their possessions and titles the ancient inhabitants and others settled there on or before the year 1783. All the titles that were presented were examined, and, so far as they were founded, to be surveyed, that specific confirmation might issue; but on the late occasion, I found that many claims had not been brought forward, and as there was no limitation by law as to the time of their being presented I conceived myself obliged to receive them, and to direct the survey to be made as before. Grants of land to a very considerable amount had been made by officers of the State of Virginia, and by the courts of the country after the cession to the United States wholly unauthorized by law. Those I conceive myself obliged to reject, and accordingly did reject them in toto; but a law of the United States has given some validity to those grants where actual improvement has followed, leaving it, however, discretionary with the Governor to grant any quantity of land not exceeding two hundred acres to each holder of such grant, and so in proportion to the nature of the improvement. It became my duty to take these grants into consideration, and I have received and registered all that were presented for the first time, as well as those that had been before rejected, but I have decided in no instance upon the quantity of land to be granted in consequence of their improvement (this is not a very definite term), and the discretion between one hundred acres and four I was not very willing to use without some rule; if less was given to some and more to others, an accusation of partiality was a pretty certain consequence to one side, and if the whole quantity generally given, of prodigality and neglect of the public interests on the other side. Should the President think this a matter of sufficient importance for legislative interference, he will doubtless lay it before Congress; if it is not, I hope I may be honored with his instructions relative thereto. I inclose a list of those claims so far as they have appeared.

The donations to the head of families in the Illinois country have not yet been laid out, although the orders for that purpose were issued in 1790. The delay has been owing to several causes. There was but one person to be found in that country who had the least acquaintance with surveying. I was under the necessity of appointing him, but I believe he found himself inadequate to the task, and conscientiously deferred it. Another reason was the poverty of the people—ruined as they have been by the change of Government, and the injuries they have been subjected to by the events of the revolution, wherein their property was seized to a great amount by the officers of Virginia without any recompense; by the depredations of what was called the Wabash Regiment, self organized in that country, and which subsisted by plunder; and by the frequent innundations of the Mississippi. They were unwilling to part with any of their movable property to acquire lands which they could not cultivate, and were restrained from selling till five years after possession had been given them. They were in hopes, too, that as Congress had relieved the inhabitants of the country on the Wabash, of both those conditions, the same favor would be extended to them, and, therefore, did not press for their being laid out. The reason for so marked a distinction between the inhabitants of two different parts of the same country, and in exactly similar circumstances, I could never comprehend, and I do hope that Congress will put them on the same footing; at any rate, the five years should in my opinion be computed from the time the orders for surveying issued, for that there was an incapable person appointed was not the fault of the people, and they should not be injured either by that, or that the country did not afford one that was capable.

Patents for the donation lands that have been alloted to the heads of families are much pressed for by those who are entitled to them. I had conceived that the Governor was fully authorized for that purpose by the resolutions of Congress respecting them, and had prepared a form which I submitted to Mr. Randolph when Attorney-General. He, however, was of opinion that the patents must issue from the President of the United States. On this, sir, I would beg leave to observe that the records of the surveys and the documents are in the Territory; that a certificate which would be attended with some charges must necessarily go from the office of the secretary here before a patent could be obtained from the office of the Secretary of State; that after the patent was obtained, it must be brought back to the Territory and recorded in the county where the land lies; and that the distance from Philadelphia, or any other place where the seat of the Government may be, and the expense that attends any delay there, are good objections—such, indeed, as would render the donation a mere illusion. No order, however, has as yet been taken in the case, that I know of, and people know not where to apply. Donations, also, of one hundred acres have been ordered to be given by the Governor to those who were enrolled in the militia on the 1st of August, 1790; I have no difficulty as to those, because the words given by the Governor I conceive a sufficient authority. They have been ordered to be laid out, and a list of the persons entitled is contained in this.

Another paper, inclosed, is a conveyance of two extensive tracts of land from the Piankishaws to Lord Dunmore and his associates, in which, it is to be observed, that there is an express acknowledgment that the lands lying between those tracts, beginning at the Point Coupi and running with the Wabash to the mouth of the White River about twenty-four leagues, and running into the country forty leagues on the east and thirty leagues on the west, is reserved for the use of the inhabitants of St. Vincennes. That is, the tract the few people who have signed the petition reclaim for the French inhabitants. That the land was actually relinquished by the Indians when a post was first established at that place, I have no doubt; but it is evident the relinquishment was to the French government, and not to the inhabitants, because Mr. de St. Vincens, the first commander, gave small pieces of it to individuals immediately, on the express condition that they should be improved in a year or be void. Within the bounds of that reservation are all the lands that have been laid out, but a difficulty arises from the treaty of Greenville with respect to those not yet laid out in the country on the Mississippi.

To take that treaty literally, every foot of land in the country not in the actual possession of some individual has been relinquished to the Indians, and should that construction prevail, it is impossible for Congress to fulfill the promise of donation without violating it. The lands actually granted heretofore, cover nearly the whole of the Mississippi bottom between Kaskaskia and Cahokia, and many grants have likewise been made for considerable portions of the high lands, and claims are made, in addition, of an ancient improvement made by the savages not less than thirty miles up the Kaskaskia.

Those people can not be said, in the strict sense of the word, to be in possession, and some explanation, it appears to me, will be necessary. It was a part of my instructions to inquire into the claims of the Indians to lands and to extinguish them, but at that time I could not find that any nation laid claim to them. The Cahokia nation, reduced to four or five families, had abandoned the country entirely. The Peorias, amounting to about one hundred, had likewise abandoned it, and the Kaskaskia tribe, of about twenty families, laid claim to nothing but the site of an old village near Kaskaskia, and about four thousand acres of land, which was confirmed to them by an act of Congress. In all the country from Kaskaskia to the mouth of the Ohio and across to the Wabash, not one Indian resided, though the Miamies, the Kickapoos, and the Oiatanon, and, perhaps, some others, occasionally hunted in it; and it is now a good deal frequented by the Shawanese and Delawares from the Spanish side. Still, I am persuaded that none of them have a just claim to those lands; but when they learn that the country was the Peorias—and there will not be wanting people enough to inform them that all the lands, except what was possessed on the 3d of August last, have been relinquished—owners enough will certainly appear. The only places where the donations could be laid, agreeably to the resolutions of Congress, are in the country below the Kaskaskia, between the river and the high lands, for the heads of families in that settlement, in the low grounds above Cahokia, for that settlement and in the Mississippi bottom, as it is commonly called, for those of the Prairie du Rocher and St. Phillips. If lands sufficient can be found there, which, when the former appropriations are laid out, I am persuaded there can not, a power, therefore, to lay them out somewhere else should be given.

The encroachments of the Spaniards in the territory below the Ohio, I know the Government is apprised of. From some depositions taken before me, and which were sent to General Wayne, it is ascertained that they are establishing themselves in considerable force. Their fortification was thus described: A large and strong fort, nearly completed, whereon about three hundred men were constantly employed, thirty pieces of cannon, already mounted, and six galleys in the river. It was further deposed that several young men, inhabitants of this Territory, passing down the Mississippi, had been seized and forced to work upon the fortifications. Such conduct, contrasted with General Gayoso's letter to me, does not put the Spanish character in a very fair point of view. Inclosed is my answer. An interview, however, I should have avoided, if I had not been obliged to leave that part of the country, because I was wholly unauthorized on any of the objects he had in view, except preserving what harmony now subsists, so long as the Government shall think it proper. The commandant at St. Louis made, likewise, a proposal that in case any of the Indians from our side of the river made incursions into the Spanish territory, or any of the Indians from the Spanish side into the territory of the United States, that both parties should be at liberty to pursue and annoy them, while in the country of each other. There may be occasions when such an agreement might be useful. There are, likewise, very inconvenient consequences that might follow from it. At any rate, it was beyond my powers, and I should suspect those of Mr. Fraudeau likewise; but into that I did not inquire. I told him frankly I had no authority, but would certainly communicate his proposal to the President. It is a fact that the Kickapoos from our side do commit depredations on the Spaniards, and the Shawanese and others from their side, upon us, and retire immediately to their respective sides of the Mississippi. Four negroes, belonging to a gentleman at Prairie du Rocher, were killed by a party from thence a short time before my arrival there.

What the intentions of the Government are with regard to the sale of the lands in this country, I am entirely ignorant; but it is my duty to inform you that, in my opinion, if they are not disposed of soon, such numbers of people will take possession of them as may not easily be removed, should that be thought necessary. Before I set out for the westward, numbers of people from Kentucky had entered on the lands of the United States to the westward of the Miami, and were making what are called improvements. I warned them to desist, without much effect, and it was all I could do, unless actions had been brought against them as trespassers, which I had no orders to do. The number, however, of those improvements had increased surprisingly before my return, so much so that, along the river, and a considerable distance inland, the country is covered with huts; and, I am told, the case is the same in the country above, quite up to the Pennsylvania line.

The State of Connecticut, in consequence of the acceptance of the cession of western lands made to Congress, was supposed to have gained an acknowledged right to the soil of a large tract of country within the limits of the Western Territory, but that Government, at an early day, seemed disposed to usurp the jurisdiction over it, for they appointed the late Judge Parsons surveyor for that tract, and directed the manner in which it was to be divided. Some letters passed between the judge and myself on that occasion, and I also wrote to the Executive of the State on the subject, but received no answer. A copy of that letter was sent to the Secretary of State, and may probably be on the files. My opinion was, and still is, that before they proceeded to sell the lands the consent of Congress should have been formally obtained, and that as to subdivision of the soil beyond what was a mere consequence of ownership, it belonged to the executive of the Territory. I am informed by a gentleman lately from that State, that the legislature, in their last session, passed a law respecting the recording of deeds within that tract, in direct opposition to the Ordinance for the government of the Territory, which is a direct assumption of jurisdiction. I am sorry to find I have troubled you with so long a letter, but I have inserted nothing in it but what I supposed it proper and necessary you should be informed of.

OLIVER WOLCOTT TO GOVERNOR ST. CLAIR.

TREASURY DEPARTMENT, *August* 12, 1796.

Sir:—I have the honor to inclose copies of two advertisements which I have caused to be published, according to the directions of the act entitled: "An act providing for the sale of the lands of the United States in the Territory North-west of the Ohio River, and above the mouth of the Kentucky River." Owing to the imperfect state in which the business relating to the seven ranges of townships was left by the late Board of Treasury, it was impossible to be prepared for making the publication before the present time. I mention this circumstance to account for a delay greater than was expected, or that might otherwise appear reasonable. The time proposed for commencing sales at Pittsburgh is the 24th day of October ensuing; at which time your attendance, or that of the secretary of the Territory, will be necessary. George Wallace, Esq., has been appointed by the President to be one of the superintendents of the sales, and John Neville, Esq., to be receiver of the moneys. It is submitted to you to determine whether your attendance or that of the secretary will be most convenient.

The law requires that the sales should be advertised in the newspapers of your Territory. I know of none except that printed at Fort Washington, where I have taken measures for a publication. If any thing more is necessary, I have to request your attention thereto.

I shall seasonably transmit to General Neville a map of the lands to be sold, with such documents and forms as will be necessary at the time of sale and for rendering the accounts for settlements at the Treasury.

GOVERNOR ST. CLAIR to SECRETARY SARGENT.

PITTSBURGH, *August 13th*, 1796.

Sir:—I received the letter you did me the honor to write some time ago (on the subject of the appointments and other public transactions, which ought to have been reported by you), about three weeks since. I have not it at hand at this time, and the date has escaped me. I am very sorry, sir, that the want of these memorandums has given you uneasiness. I would fondly hope, however, that no blame can possibly attach to you on account of them, whatever may be the case as to me, for they are yet to be filed in your office, and your report may be made in such a manner as to show the precise time they came to your hands. It was certainly wrong in me (as I promised to do it) not to have put them into your hands earlier; my mind was, however, so agitated from a variety of causes, and particularly from the unfortunate events in my family, that I could not think of business at all, and when I did at last get to it, I found that a part of the papers only had been brought to Philadelphia, and I have been since my return from thence prevented by sickness, which brought me to the brink of the grave.

Yesterday I met with Captain Pierce, from Fort Washington, and by him I learned that you were gone to Detroit. Should the object of that journey be of a public nature, I have to wish that it had not been undertaken, for to-morrow I shall be in the Territory, and then the powers of the Governor, which devolve upon the secretary in his absence, will cease as to you, yet it may happen that both you and me are discharging the duties of that office at the same time, and, of course, the acts of one must be void. I think it further unfortunate, as no orders had been received, at least by me, to extend the civil authority to that quarter, and I should suppose that you are not uninformed that Congress, at the last session, made no provision for extending it, although the President recommended it in a special message. If my health, which is still very infirm, will allow it, I shall proceed immediately to the Illinois country, and would have been glad to have been accompanied by you; as that, however, can not be, I hope to find that the public seal has been left within my reach, as I shall doubtless have occasion to use it; and should orders for that purpose be received, I will take the Detroit in my way back, and bring it with me, for *in that case* it will be wanted there likewise.

GOVERNOR ST. CLAIR TO SECRETARY SARGENT.

CINCINNATI, *August 28th*, 1796.

Sir:—I had the honor to address a letter to you at Detroit, by the way of Presque Isle, on the 13th instant. In that letter, I mentioned my intention of proceeding to the Illinois country and returning by Detroit, in case the President should have thought proper to direct the civil authority to be extended to that quarter by that time. Your journey to that place, as well as some dispatches received by the last mail, obliges me to change that purpose, and to proceed to Detroit as soon as conveniently I can, in order that whatever may be proper to be done there, may be done with that concert which I believe necessary to public measures where different persons may occasionally have the same agency, and to prevent that collision I hinted at, and which must necessarily happen when you and I are both exercising the function of Governor at the same time, and which must necessarily have an ill effect, especially if they should not chance to coincide.

I could have wished to have found the seal deposited here, or some information respecting it, as I have occasion for it, and must, from the want of it, have recourse to some expedient, which, though I am certain it is strictly legal, yet, wanting that solemn formality, may create doubt in the uninformed minds of some of the citizens. There are others necessary which can not be done without, and, of course, stand over.

This moment, Captain Harrison delivered me a packet, which, having received a similar one, I knew the contents and opened it, in order to judge whether it would be necessary to send it forward or not. As, besides the advertisements, it contains a letter from the Secretary of the Treasury, which you will think requires an answer, I have forwarded the whole. I shall, however, by to-morrow's post, inform him that I will attend the sales at Pittsburgh at the time appointed.

GOVERNOR ST. CLAIR TO SECRETARY SARGENT.

CINCINNATI, *September* 6, 1796.

Sir:—In my letter of the 28th August, I informed you that I purposed to proceed to Detroit as soon as it should be in my power, and this day was fixed for the commencement of my journey. I have since heard by accident that you were gone to Michilimackinac, from which place it is most probable you could not be returned by the time I should have arrived at the Detroit; nor probably within all the time I would possibly stay there; that consideration as well, and that my reaching Pittsburgh by that route in due time might be something precarious, has induced me to change my purpose.

In about ten days I shall leave Cincinnati for Muskingum, and go from thence in season to be at Pittsburgh on the 24th of October.

I could have wished that the records of the Territory had been left in some manner or other that I could have had access to them.

It has been inconvenient that they have not been so left, and I can not conceive that you have had them transported to Detroit.

GOVERNOR ST. CLAIR TO OLIVER WOLCOTT.

CINCINNATI, *August* 30, 1796.

Sir:—I have to acknowledge the receipt of the letter you did me the honor to write on the 12th instant, with copies of two advertisements respecting the sale of the lands in the Seven Ranges inclosed. Those I shall make as public as possible; but as you have taken measures for this being published in the newspaper printed at this place, the only one published in the Territory, and which has a pretty general circulation, the notice will be spread as much as it is capable of within the time appointed for the sales.

It is most probable that I will attend Pittsburgh, if my health, which is very much improved, will allow me to make the journey, as the presence of the Governor or Secretary at the sales is indispensable. The secretary is at Detroit. Circumstances, however, will oblige me to take my route that way and by Presque Isle; but I believe it can be performed, if I am able to perform it at all, without danger of arriving too late. If I should not be able to proceed from Detroit, the secretary will be sent forward.

VISCOUNT MALARTIC TO GOVERNOR ST. CLAIR.

NEUWIED SUR LE RHIN, *le* 1*er Septembre*, 1796.

Mon cher Général:—Je viens enfin de trouver une occasion de pouvoir vous écrire sûrement, car j'ignore si les lettres que je vous ai écrites depuis que je vous ai quitté, vous sont parvenues, n'ayant pas eu depuis ce temps-là, la moindre nouvelle d'Amérique; quoique je vous ai laissé mon adresse en France, je n'y suis pas rentré; vous

saviez que mon projet étoit de venir me joindre avec les émigrés Français qui étaient à Coblentz, j'y suis effectivement venu. J'ai toujours fait la guerre depuis ce temps-là dans toutes les différentes armées, soit Prussienne ou Autrichienne, et je suis maintenant adjudant du prince de Salm qui a plusieurs régiments au service de l'Angleterre et je vais aller avec lui à l'armée du duc d'York, j'ai encore eu le malheur d'être blessé la Campagne dernière, par un boulet de canon, heureusement je m'en suis aussi bien tiré que les autres, quoique j'aie été obligé de prendre les eaux d'Aix la Chapelle, pour mon bras qui s'était reploié, mais qui va bien maintenant.

J'espère que vous vous êtes bien porté, et que ne fesant plus la guerre, votre goutte vous aura un peu abandonné; car vous me paraissiez bien-résolu à laisser reposer votre épée pour toujours et vous aviez bien raison, surtout dans un pays comme le vôtre, et pouvant vivre tout à votre aise sans cela; quand tout le monde en aura fait autant que vous, pour sa patrie il pourra bien aussi se reposer, j'ignore absolument comment le général Wainne se sera tiré de la campagne; les gazetiers allemands ne nous parlent que de ce qui les approche; le Colonel Sargent sera sans doute resté avec l'armée; je suis bien fâché, Mon cher général, d'avoir quitté l'Amérique, si je n'avais suivi que mon inclination, je serais resté, mais l'honneur et mon devoir m'appelaient àvenger le meilleur des rois, j'y ai perdu ma fortune; la guillotine m'a privé d'une grande partie de ma famille, le reste est en prison, excepté un frére et une soeur, qui s'est sauvée avec ses enfants de la prison, la veille de monter à l'échafaud, elle est sauvée il y a un mois—mon autre soeur n'a pas été si heureuse et y a péri, je compte attendre encore cette campagne, si au printemps prochain nos affaires ne tournent pas mieux, je vais avec mon frére et ma soeur en Amérique, nous tâcherons de rassembler le peu d'argent que nous avons pú sauver, et nous irons nous établir dans l'intérieur des terres pour y être à meilleur marché, si je ne puis pas bien retirer de France, j'irai implorer votre protection et tâcher d'avoir une place au navire, d'après les bontés que vous avez eues pour moi j'espère que vous ne me refuserez pas votre appui vous qui m'avez traité comme votre fils. Notre position est bien malheureuse: chassé de chez soi, parceque on a été fidèle à son roi, et être réduit à la plus affreuse des misères, car on voit des familles entières, des vieillards réduits presque à demander leur pain, quelle différence de votre révolution à la nôtre? la vôtre était celle de la justice et de la douceur; la nôtre ne veut s'établir que sur une mer de sang, et par les crimes les plus atroces. Votre peuple était né pour être libre, il fait chérir cette liberté qui est si douce dans vos climats et qui protège le foible comme le fort; au lieu que le Français au contraire, ne semble fait que pour obéir; ils veulent tous être libres et sous le voile de l'hypocrisie cache leur envie de subjuguer; vous les voyez tour à tour s'élever comme les empereurs romains, et finir par l'échafaud; ils s'entregorgent mutuellement chacun voulant avoir son pouvoir, plus j'y pense, cher général, plus mon pays me fait horreur, non il n'y a que votre pays à habiter. Toute l'Europe va subir la même révolution, aussi j'attends avec impatience l'annèe prochaine pour prendre mon parti; je désirera is bien que vous m'écriviez si les Français sont toujours bien traités et si il y en a beaucoup; non pour moi, car je crois que vos compatriotes ne me mettront pas à la porte, mais pour ma famille qui y viendra sûrement avec moi, je n'ai pas pu remettre votre lettre à M. de Lafayette, il était déjà enfermé.

J'espère que votre famille jouit toujours d'une bonne santé; rappelez-moi, je vous prie, à leur souvenir particulièrement à M'lles Louisa et Jenny et à votre fils cadet.

Je recommande à votre bonté, mon général, le comte de Sarceaux qui vous remettra ma lettre; c'est un ancien officier qui va s'établir avec toute sa famille en Amérique; je suis fort lié avec la famille, il est encore indécis sur l'état auquel il donnera la préférence ayant peu d'argent il s'enfomcera, je crois, dans l'intérieur du pays pour acheter à meilleur compte.

Qu'est devenu Galliopolis, je crains que les Indiens ne les troublent beaucoup, sans cela ce serait un asile pour moi, si vous avez occasion de voir le colonel Sargent et Denys ne m'oubliez pas auprès d'eux.

Adieu, mon cher général, continuez-moi votre amitié et soiez persuadé de tous les sentiments avec lesquels je suis votre très-humble et très-obéissant serviteur,

HYPOLITE DE MALARTIC.[1]

---

[1] Following is the translation of the above:

VISCOUNT MALARTIC TO GOVERNOR ST. CLAIR.

NEUWIED ON THE RHINE, *September* 1, 1796.

My dear General:—I have, at last, found an opportunity of writing to you with certainty, for I do not know that the letters which I have written to you since I left have reached you, not having had, since that time, the slightest news from America. Although I left you my address in France, I have not returned there. You knew that my project was to join the French emigrants who were at Coblentz. I went there, in fact. Since that time I have been serving in all the different armies, Prussian or Austrian, and I am now adjutant of the Prince de Salm, who has several regiments in the service of England; and I am going with him to the army of the Duke of

GOVERNOR ST. CLAIR TO JAMES ROSS.

PITTSBURGH, *Sept.* 6, 1796.

Dear Sir:—On my arrival at this place, I found that the sec-

York. I had the misfortune to be wounded in the last campaign by a cannon-ball. Happily I have escaped as well as others, although I have been obliged to take the waters of Aix-la-Chapelle for my arm, which was strained, but which is cured now.

I hope that you are well, and that, since you are no longer in the army, your gout has left you; for you appeared to me fully resolved to let your sword repose forever; and you were quite right, especially in a country like yours, where you are able to live entirely at your ease without your profession. When any one has done as much for his country as you have, he may well repose.

I am absolutely ignorant how General Wayne withdrew from the campaign; the German newspapers speak only of what is near them. Colonel Sargent will have, without doubt, remained with the army.

I am very sorry, my dear General, to have left America. If I had followed only my inclination, I should have remained, but honor and duty called me to avenge the best of kings. I have lost my fortune; the guillotine has deprived me of a great part of my family; the rest are in prison, except a brother and a sister, who escaped with her children from the prison the evening before she would have mounted the scaffold; she escaped a month ago. Another sister was not so happy, and perished there. I intend to wait still during this campaign; if, in the spring, our affairs are no better, I shall go with my brother and sister to America. We shall try to collect together the little money that we have been able to save, and we shall go and establish ourselves somewhere in the interior in order to live cheaper. If I am not able to leave France, I shall implore your protection, and try to obtain a place in the navy. After the kindness you have shown me, I hope you will not refuse me your support, you, who have treated me like a son. Our position is very unfortunate; chased from our homes because we have been faithful to our king, and reduced to the most frightful poverty; for you may see whole families—old men, reduced almost to beg their bread. What a difference between your revolution and ours! Yours was that of justice and mercy, ours established itself only upon a sea of blood, and through the most atrocious crimes. Your people were born to be free; they cherished that liberty which is so sweet in your clime, and which protects the feeble as well as the strong; whereas the French, on the contrary, seem made only to obey. They all wish to be free, and, under the veil of hypocrisy, they hide their desire to domineer. You see them rise by turns, like the Roman emperors, and finish on the scaffold. They cut each other's throats—each struggling for power. The more I reflect, my dear General, the more my country inspires horror—yours is the only country in which to live. All Europe is about to suffer a similar revolution, and for this reason I await with impatience the next year to carry out my plan. I am very anxious that you should write to me if the French are always well treated retary had thought fit to accompany General Wayne to Detroit, and I have since learned, though not from himself, that he has laid out the country thereabouts into a county, and appointed the officers, among whom is Mr. Audrian, prothonotary. That circumstance has given me satisfaction, though I am displeased at all the proceedings generally, for it was not my intention to have moved in the business until I had received the directions of the President, which I had reason to expect; and two Governors at one and the same time in the same country (and perhaps counteracting each other) must impress the new subjects unfavorably, with respect to the government they have fallen under. Some expedient, however, might have been found to render the impropriety less striking had I gone to Detroit, but the secretary having lately gone to Michilimackinac, my meeting him there in the little time I could possibly stay there, was very uncertain; and, as the being able to reach Pittsburgh in proper time for the sales of the public land would be rendered precarious, I have for the present postponed a visit to that new country. The journey from hence is far from being so easy as I had imagined, neither can it be performed as a journey by land in a short time. Considerable rivers must be passed, where there are neither inhabitants nor boats, and both delay and uncertainty attend taking the water at the foot of the Rapids of the Miami.

---

with you, and if there are many of them; not for myself, for I believe that your countrymen will not show me the door, but for my family, who will certainly come with me. I have not been able to send your letter to M. de Lafayette—he was already in prison.

I hope that your family all enjoy good health. Recall me to their remembrance, I beg of you, particularly to Miss Louisa and Jenny, and to your youngest son.

I recommend to your kindness, my General, the Count de Sarceaux, who will hand you my letter; he is an officer of the old army, who intends to establish himself with all his family in America. I am very intimate with the family. He is as yet undecided on the position to which he will give the preference. Having little money, he will, I believe, bury himself in the interior of the country, in order to buy land cheaper. What has become of Gallipolis? I am afraid that the Indians trouble them much; were it not for this, it would be an asylum for me. If you see Colonel Sargent and Denny, do not forget to speak of me to them.

Adieu, my dear General, continue your friendship for me, and be persuaded of all the sentiments with which I am

Your very humble and
very obedient servant,
Hypolite de Malartic.

I have written to General Wilkinson, and inclosed your letter to him, and that for Mr. Andrian, and given him some hints about the business we talked of, and requested him to write to me at Pittsburgh.

Conolly has left the country, after making, it is said, an accurate survey of the Ohio and sounding its depth in a number of places. He was stopped at Massic, and his papers examined by the commanding officer. Another matter has happened that will, I suppose, make some noise. A certain Mr. Powers was met, as he was ascending the Ohio, by an officer, who, it is said, was imprudent enough to tell him he was sent for the express purpose by General Wayne. He stopped him, broke open all his letters, examined them and his other papers, and took away with him such as he thought proper. A formal complaint has been made to the Spanish Consul in Kentucky, and an express sent to the ambassador at Philadelphia. Powers, who has resided a considerable time in Louisiana, but passes frequently into Kentucky, soon after came here, I supposed, to make complaint to me, but, after staying two days, during which he was for the greatest part in close conversation with Mr. De Volney, who is on his way to Detroit, he set off without having called upon me. I have learned that he has been informed that Mr. Brackenridge has spoken of him as a spy, and threatens vengeance. I wish that the General had been as close in some things as I believe he ought to have been. I have heard that he opened himself too much to Major Morrison, who has spoken of it.

Kentucky is quiet, at present, as far as I can hear, and the object of the mysterious correspondence that has been carried on from that country to New Orleans is said to have been a land speculation of some individuals who were, in return, to introduce a number of people as citizens.[1]

Be so obliging as to present my respects to Mrs. Ross.

GENERAL ST. CLAIR TO ROBERT BUNTIN.

CINCINNATI, *Sept.* 19, 1796.

Dear Sir:— . . . . As to the donation of four hundred acres, for which lands had not been laid out, you have a list of the persons entitled to them inclosed, and you will please to lay off a sufficient tract, adjoining that formerly surveyed, and distribute it among them by lot, agreeably to the resolution of Congress, and make return thereof to the surveyor's office. The donations of one hundred acres each for the militia, ought, likewise, to be laid off like the other, in a tract, and you will find out a place proper for that also, and which will as little as possible interfere with the settlement and sale of the country, and distribute them in the same manner by lot, with the exception that, if any of the persons entitled to them have made actual improvements and are entitled to land in any other way, their hundred acres may be surveyed for them in such manner as to cover and include their improvements; but be pleased to observe it must be actual *improvement*, not the marking or deadening a few trees, or throwing a few logs together in form of a cabin, which are very commonly called improvements; in which way two or three persons, in a single week, would cover a large tract of country. A list of those persons entitled is likewise inclosed. I ought to have sent you warrants for the old claims, but at present it is impossible, for I can not get the records. You may, however, take this for a guide: when any of the claimants apply for surveys to be made, lay them out according to their concessions, whether from the officers that have formerly commanded at St. Vincennes, or from the court, for all those will stand.

---

[1] For an account of these intrigues, see Vol. I., ch. viii.

When I made the appointments of last year, not having the laws with me, no bonds were taken from some who are required to give them. There are two that you hold—the recorder and the treasurer. I have inclosed blank bonds, which you will please have filled up, with two sureties executed, and file them in the prothonotary's office; the treasurer's bond to remain there, and the recorder's to be sent to the secretary's office by the first certain opportunity, and I wish you to transmit, as soon as you can, a list of the members of the court of quarter sessions and common pleas, for I have mislaid my memorandum of them. You will also find herein a commission for clerk of the district court.

It was my intention to have visited your country this fall, but am prevented from executing it by an order to superintend the sale of the lands in the river ranges, at Pittsburgh, on the 24th of next month, and to-morrow I set out for that place.

I hope you and Mrs. Buntin keep in good health this season, and I request you to make my best respects to her.

RUFUS PUTNAM TO THOMAS WORTHINGTON.

MARIETTA, *December 1st*, 1796.

Sir:—Your favor of the 15th ult. is before me. I have accepted the appointment of Surveyor-General, but the arrangements for executing the surveys are not yet made, nor will any deputies be appointed until I receive an answer to my letter written about a month ago to the Secretary of State; but, as soon as I shall be able to determine the number of surveyors that will be necessary, you shall hear from me again, and, as you have been early recommended to me by a gentleman of Virginia on whose recommendation I can rely, it is unnecessary for you to trouble yourself further on that account.[1]

GOVERNOR ST. CLAIR TO SECRETARY SARGENT.

PITTSBURGH, *December 1st*, 1796.

Dear Sir:—On the 24th of last month I received, by General Wilkinson, the two letters you sent me, one of the 20th and the other of the 30th of September. I should have replied to them earlier if I had been well able, but, having been stricken with gout as I was ascending the river, which increased to the most violent fit I have ever had—was obliged to attend to the public business notwithstanding—it was impracticable. It is not easy for me to express the surprise those letters excited, when I found the intention of mine had been so much misunderstood by you. I have since looked carefully over the rough copies of them, and can not help thinking it would require much ingenuity to derive from them either censure or reprimand, or the intention of either. Over your actions as the official representative of the Governor I have certainly no control, to censure or reprimand; I know I have no right, and I feel that I have no inclination. There are few transactions, in either public or private life, that are not seen by different persons in different points of view, and, of course, different opinions will be formed of them. If I hold an opinion different from you on any public measure, may not that opinion be expressed without being construed into either censure or reprimand? If it can not, there must be an absolute end to all communication upon them. I can assure you that, when you have expressed a difference of opinion from me, it has ever been received with complacency. That I did not hold an opinion different from you on the propriety of extending the government of the Territory to the parts relinquished by the British, at the time it was done, is now certain; but, if that opinion was expressed in an offensive manner, I do not know how to express myself inoffensively. "Should the object of the journey be of a public nature, I have to wish that it had not been undertaken, for to-morrow I shall be in the Territory, and then the powers of the Governor, which devolve upon the secretary in his absence, will fall to me. Yet it may happen that both you and I are discharging the functions of that office at the same time, and, of course, the acts of one must be void. I think it farther unfortunate, as no order had been received, at least by me, to extend the civil authority to those quarters, and, I should suppose, you are not uninformed that Congress, at the last session, made no provision for extending it, although the President recommended it in a special message." They appeared to me to be strong reasons. I still think so, and there were others that might have suggested themselves; and, had I been upon the spot, neither the solicitations of the people nor the applications of the Commander-in-Chief of the army, however urgent they might have been, would have induced me to have done it without the instructions of the President of the United States. I am not, however, so wedded to these opinions as to say that I may not be wrong in the case. As it is, we must make the best of it, and you write me, when most convenient, every suggestion to treat any irregularities that must necessarily have taken place from the functions of the chief magistrate having been performed by both at the same time.

---

[1] In February, 1798, Mr. Worthington was given a contract to survey a district between the Ohio Company's purchase and the Scioto. The letter is from the *Worthington Papers*.

From the manner in which you use the words Records of the Territory, in sundry parts of your letters, and particularly in the third paragraph of that of the 30th September, I am led to believe they do not convey precisely the same meaning to you and me. The record of the official transactions of the Governor, which you are bound to report to Congress, is one thing, and may be kept by you in whatever manner you think proper, yet still so as that the Governor may have access to them, for he necessarily must have occasion frequently to recur to them. But the records of the Territory are, in my mind, quite another thing, and some of them of a nature that the inhabitants of the Territory ought to have access to at seasonable times, and for reasonable fees. They ought not to be transported from place to place, nor locked up, but constantly kept at the seat of government, wherever that may be, and to which all persons having business of that nature must resort. Such, are the original laws; the decisions on claims to lands; the returns of surveys, and some others. No place has, indeed, been fixed by public authority as the seat of government, but it has obtained, in some measure, at Cincinnati, and I pray you to reflect whether it was not more from a wish to your accommodation than any other motive that it was suffered to be so considered, and that you were permitted to keep the records there. The place was always disagreeable to me, and I would have given the preference by much to Marietta, could it have been done without, as it appeared to me, very sensibly affecting your interest.

As to the public seal, I think it well with the secretary while he is acting as secretary; when he is acting as Governor it might be well to commit it to some other person. The use of it by him has been generally, if not universally authorized, as I believe it always ought to be, by a warrant from the Governor. The secretary of the Territory is not *ex officio* keeper of the seal, and, on the organization of the government it might have been committed to another person, for the Governor always had the power to appoint a keeper of the seal, but many reasons concurred in pointing to you as the proper person. These reasons have still all their weight, and I trust you will never find in me the most distant inclination, if I can not add to your emoluments, to diminish them. That I expected the seal might have been left, was, the certainty I presumed you must have had that when I did arrive I might have occasion for it, and that, if any thing had happened to prevent my arrival in the Territory altogether, you would have been advised of it. No part of the delay was occasioned by a fall from my horse, for no such thing happened; but, on my way out, I was seized with a fever at Greensburg, where I lay ten days before I could be removed to my house; that was followed by a total loss of appetite, and so great a debility from sickness that, for a long time, I was not able to walk across my room. My late fit of the gout, from which I am nearly recovered, has set things right again for a while, and I am now in better health than I have enjoyed for some years.

The embarrassments you have met with from the notice of some individuals and the ignorance of our courts and juries, I am persuaded myself, I need tell you, have given me, at different times, a great deal of uneasiness, nor that I have always thought it my duty to check the spirit that produced them as far as I consistently could. The indictments you speak of have, if I am not mistaken, been all removed into the Supreme Court, and the proper orders for their being dismissed shall be given before another time. To this I am prompted by a sense of duty. At the same time, I am conscious that the feelings of friendship toward you have never been suppressed in my breast; but if, where there happens to be a difference of opinion there must be no interchange of sentiments, or if the expressing that difference must be construed into censure and reprimand, I do not understand what friendship is, nor do I believe it can long survive under such restrictions. It may be that I have misread the letter you mention; I have it not here, and, therefore, can not say how it is. You must have certainly misread mine when you supposed I had said the papers which were to be a part of your report were due only "three weeks." My words are, "I received the letter you did me the honor to write some time ago, on the subject of the appointments, and other public transactions, which ought to have been reported by you, about three weeks past; I have it not at hand at this time and the date has escaped me." In my copy the words from "on the subject," etc., to "reported by you," are included in a parenthesis; whether they are so or not in the original I can not say, but without the parenthesis the three weeks evidently, in my opinion, refer to time of receiving your letter, and not to that when the communications were due, and were certainly so intended; and a subsequent part, which observes that I would fondly hope no blame can attach to you, whatever may be the case as to me, "for they are yet to be filed in your office, and your report may be made as to show the precise time they came to your hands," seem to me to mark plainly that it was the receipt of the letter was mentioned, and the more so as, a little lower down, I take notice of my having failed in my promise to put them into your hands in Philadelphia. I must be excused, sir, from making any application to the General Government on the subject of any collision that either has happened or may happen from the exercise of the functions of the Governor by the secretary in his absence. It was on my representation as the law required his absence occasionally, that his powers then devolved upon the secretary; and I think nothing more is necessary towards the execution of them with ease, and without the least clashing, than a proper understanding between him and the Governor. Neither do I see how different measures to prevent it could be taken by the Government, nor indeed how it can be effected at all but in the manner I have just mentioned. It was, perhaps, a negligence in me that it has not taken place heretofore.

If the Secretary of the Treasury sent his mandate for you to attend the sales at Pittsburgh, it was improper in him, supposing he had the right to direct in the case, which he certainly had not, to write to me in the manner he did. His words, as well as I recollect them, are: "It is submitted to you whether you will attend the sales at Pittsburgh or send forward the secretary," but that submission I conceive to be derived from the law, not the pleasure of the Secretary.

I thank you for the compliments you pay to my judgment. I can truly say that I have endeavored to deserve it, and I take them in very good faith, even if there should be a little irony in them; for, as I sometimes take the liberty to laugh a little in my sleeve at other people, I see no reason why the same liberty should not be taken with me. For your sympathy I am very much obliged. The events were truly unfortunate, and of a most distressing nature. Time will wear off the edge, and I have learned resignation to the will of that Being who orders every thing for the best.

Some Considerations as to the Dangers that Beset the Western Territory, and how it may be Preserved as an Important Part of the Union.

The Western Territory is an important appendage to the United States. The fertile soil and temperate climate seem to point it out as the place to which the emigrants from the Atlantic States will be directed. The foundation of a vast accession of strength to the United States may be laid in that country if advantage is taken of the favorable circumstances of nature, and such provisions are made by Government as will not only invite hardy citizens to the Territory, but attach them to the Union. The growth of this country is likely to be astonishingly rapid for some time, but in view of the great disadvantages, having their origin in the mistaken opinions of Congress as to the relation of the public domain to the National debt, and to the insidious efforts of foreign powers lying contiguous, it is problematical whether that growth may be ultimately advantageous.

They (that is, the districts of the North-western Territory and Kentucky) will, in time, have interests different from the Atlantic States. Many of their productions will be the same, and a kind of rivalry will take place. With the English settlements on one side and the Spanish on the other, they will be exposed to the machinations of both, and partisans, perhaps, pensioners of both will be settled among them. At the great distance they are removed from the seat of the General Government, its influence will not be much felt, and, in case of war with either or both of these nations—an event that may not be very distant—they might be tempted to sever their connections with the parent States, and put themselves under the protection of one or other of them. It is not to be doubted but the most alluring hopes and promises would be held out to them—if they did not become dangerous, they would at least be very troublesome neighbors. It is certain that the British have had emissaries among the inhabitants of Kentucky, with the design, it would seem, to induce them to hostilities against the Spaniards. It is said assistance from Canada has been promised them. In any transactions of that nature, however, the British government will not appear, and should a rupture be brought about by means of the western people, between Spain and America, it is most probable that an alliance would immediately be formed between Britain and that nation; their joint force would be exerted against America. She would probably stand single in the contest, for it could not reasonably be expected that France would change all her measures to support America in a case where the wrong would appear to be on her part. The event would most probably be disastrous for America, and bring misery upon the heads of the unfortunate people who had been the dupes of their cruel and interested policy. Spain, on the other hand, looks with a jealous eye on the rapid growth of the western country. She trembles for Mexico, which, from the restless disposition and enterprising character of those neighbors, is not an ill-founded fear. Her minister has attentively marked the astonishing growth of Kentucky, probably discovered that, though it forms, at present, a part of the United States, the ligature that binds them together is weak, and the authority of the General Government not very much regarded. It is certain that he has an understanding with some leading characters, and that through them a desire to throw off all connection both with Virginia and the Union is cultivated, and the private interest of individuals comes in to fortify that desire from the indulgences that have been granted to some to carry the productions of the country to New Orleans, and the great price they there receive for them. It is not altogether improbable that those indulgences may have had their rise in the avarice of the Governor of New Orleans, upon whom there is no check, the intendency being now in the same person, and who abuses the regulations of the Spanish court by extending the advantages held out by it to induce the settlement of West Florida to the people of the western country that he may reap a part of the profit. It seems to be the expectation of that court that the country they possess upon the Mississippi may be peopled from America. They hold out temptations that will succeed with many who have little other governing principle than the accumulation of wealth—a thousand acres of land and a very great price for tobacco and provisions. Should many people be induced to remove into their territory, they would soon imbibe the Spanish prejudices and be more jealous and more active to prevent any interference in their traffic than the Spaniards themselves, and, in case of war, much more troublesome neighbors. The envoy of Spain is also at work to divert the emigration from the Atlantic States to the Spanish territory on the west side of the Mississippi, and he has met with a very proper agent in Mr. Morgan, who possesses a very great degree both of activity and insinuation, and is not much restrained by principle from pursuing what promises pecuniary advantage. Many people in the interior country now hold themselves in readiness to follow him, infatuated to that degree that they are parting with their property on any terms. His exertions in laying the foundation of the settlement are turned to Kentucky, where there are a very great number of people who have been disappointed in obtaining lands by the monopolizing spirit that seized the first inhabitants, and land being the great object of their pursuit, they are ready to go to any place where it can be easily obtained; but promises of the free exercise of their religion, to be governed by their own law, are also held out to them, and to receive a very extravagant price for every thing they can send to market. Many will make the experiment, and they and their progeny be lost to this country; they will soon become Spaniards to all intents and purposes, and if it continues to be one of their maxims to prevent the free navigation of the Mississippi, the situation directly opposite to the mouth of the Ohio, seems not to be ill-chosen with a view to it. The Spanish command on the Mississippi are also assiduously endeavoring to induce the ancient French inhabitants to abandon their country, and they have succeeded with great numbers.

Should it be thought an object with the United States to prevent this loss of people, I believe it might be effected by laying open a part of the western country to those who are not immediately able to pay for it. The lands upon the Mississippi and Illinois Rivers are fine, and the climate inviting. They might be set at a moderate rate per hundred acres; an office opened, where any person might locate, purchase land in small quantities, and obtain orders for laying it out, and where they might receive patents upon paying for them. The purchase-money might run upon interest. In this manner the United States would receive nearly the same advantage as if the money had been paid in the first instance. There is no great danger of their being abandoned, after much labor has been expended upon them, and if they should be abandoned by some, the land would still remain in an improved and more valuable state to be regranted. This is not a visionary project, but warranted by experience. The whole country of Pennsylvania, while it remained in the hands of the proprietaries, was settled in this manner. It seems also to be certain that the sale of the lands of the Western Territory, in the manner presented by the late Congress, is over. From the increased and still increasing value of public securities, the price is too high, and it requires too great combination to purchase a million of acres, which is the smallest quantity that can at present be disposed of. The fear that the most valuable spot only would be taken and the rest remain unregarded is not reasonable to any great extent. The choice spots would certainly be first taken, but the intermediate lands, though of less value, abstractly considered, would soon become of equal value; and the expectation that the domestic debt might be paid off, or very considerably lessened by the sale in this country of large quantities, was never well founded, and the experiments that have been made have proven it. The real money that has been laid out, and is still to be laid out in completing the surveys, would have bought up more of the debt than what has been paid into the treasury.[1]

JOHN ETTWEIN TO GOVERNOR ST. CLAIR.

BETHLEHEM, *April* 17, 1797.

Sir:—I take the liberty to recommend to your Excellency Messrs. John Heckewelder and William Henry, who will do themselves the honor to wait on you. They are requested by the directors of the Society of the United Brethern for Propagating the Gospel among the Heathen to attend the surveying of the twelve thousand acres of land on the Muskingum, whereon the three forsaken towns, Shoenbrun, Gnadenhütten. and Salem were formerly built, which the honorable Congress, by their act of June 1, 1796, granted to the said society, in trust for the Christian Indians, who, had erected the said towns and cultivated the land until they were carried away prisoners. These Christian Indians, who for some years have been very solicitous to return to their old farms without being able to obtain their wishes; and as it was impossible for them, at that time, to find protection within the limits of the United States, they were glad to find an asylum in Canada, where they settled in the wilderness, on Thames River, on land belonging to a similar society of the United Brethren in London.

---

[1] Communicated to the President.

I have invited the missionaries to return to their old places, with as many of their town flock as are willing, where the trustees will accommodate them with as much land for farming as they shall choose, and otherwise freely assist them in settling. But, as the number of the former settlers has decreased very much by natural death and murder, and also by dispersion far and near, the trustees can not expect that very many will venture to return to Muskingum. The society has, therefore, resolved to let the part of the land on leases, for rent to white people, our friends, who may be willing to take lots upon such terms, in order to raise a revenue for the support of the mission among the Indians, make provision for a missionary, and for a school, with books, etc., for the benefit of the Indian congregation.

It is to facilitate and to bring our good intention into effect as soon as possible, that the said Messrs. Heckewelder and Henry, being members of the society, will attend the surveying of the whole, and afterwards lay out part thereof into lots. As the land is under the government of your Excellency, I beg leave to recommend those gentlemen to your particular favor and protection, and have the confidence that your Excellency will at all times take under your favorable protection as well the Indians and the mission intended to be established as the tenants the society may place there, who, I trust, will always demean themselves as good and peaceful citizens, faithfully attached to the government they are going to live under.

Mr. Heckewelder was, for many years, a missionary among the Indians, and a great sufferer at the spoliation of the said Indian towns.

GOVERNOR ST. CLAIR TO THE SECRETARY OF STATE.

[Extract.] POTTS GROVE, *Sept.* 11, 1797

By a proclamation at Detroit, 16th August, 1796, an exhibition of the titles by which the people sold lands in that district is called for, in order that they may be quieted in their possession. Congress has not as yet turned their attention to that quarter, nor prescribed any rule whereby their titles are to be judged or their possessions confirmed. I was in hopes to have received instructions for extending the jurisdiction of the Territory to that quarter, and that Congress would have taken the titles into consideration—neither of which has happened. It has, however, appeared to me that they were requisite, and I flatter myself with receiving them when there is leisure from business of more importance.

A considerable time before Mr. Randolph went out of office, I wrote to him about certain seals that were wanting in the counties, and inclosed an impression of one (they are all the same except the legend). I have written once or twice since, on the same subject, but the seals have never been received. I beg leave to refer you to those letters, and to remark that since they were written the county of Randolph and others have been erected.

P. S. The office of Treasurer of the Mint being now vacant, by the death of Doctor Way, General Francis Nichols is desirous to succeed him. I believe, sir, that both the person and character of General Nichols are known to you; but, from a very long and intimate acquaintance with the General, I am able to say that it can not be bestowed upon a person of stricter honor and integrity, nor one more firmly attached to the interest and honor of his country and the present Constitution of the United States, on which those objects do so materially depend. And he has many friends, and not a small degree of influence in the country where he lives.

JAMES ROSS TO GOVERNOR ST. CLAIR.

PITTSBURGH, *July 5th*, 1798.

Dear Sir:—In consequence of your letter respecting the future secretary of the Western Territory, *vice* Sargent,[1] promoted, I have written to Philadelphia, but no answer has yet arrived. Should I learn any thing before your mail goes out to-morrow morning, this letter will be opened to mention it. Nothing has transpired as to the persons who are candidates, nor have I any reason to think of any person as likely to become a competitor, but many of the eastern gentlemen are in love with that country, and will be vigilant in courting an appointment which will carry them honorably into it, so that competition and want of success may both eventually be the portion of time we wish to succeed.

---

[1] William Henry Harrison was appointed secretary in place of Colonel Sargent, who was made Governor of Mississippi Territory by President Adams. Colonel Sargent made his home at Natchez, where he married a wealthy widow lady, and became a planter. A year later, General Wilkinson reported him fat and happy.

Findley's declination has raised several candidates for the Congressional successions. Smiley, Todd, Guthrie, are all named, and I incline to think are all in a state of considerable activity.

You know as well as I do that there is no such thing as a Federal party in Westmoreland county, and the friends of these three men are only subdivisions of the great universal mass of insurrectionary anti-federalism, Jacobinism, or whatever you please to call it. The Federalist might have secured a number of friends, had there been any permanent, sensible leader, who could have organized and kept them in countenance against Findley. Unfortunately, we have never had any body there who would undertake and attempt to execute this task, and at present, it seems to me, that, however these candidates may contend among themselves and scramble for power, they would all unite against the *government man*. Your suspicions of Mr. Jack are well-founded. He secretly supported the adverse ticket, and even *wrote* to his friends in favor of it, after having engaged very heartily with us, in appearance, at the last election. In Fayette county there is a small but firm little Federal party, but that could do little without aid from Westmoreland; besides, there would be the pride of county in favor of this man Smiley. In one word, your chance[1] is, in my opinion, far from a good one, unless the sansculottes should quarrel among themselves, and out of spite towards each other combine in electing an enemy, and a superior, but a friend and equal, should gain an enviable superiority. This, to the great credit of human nature, very frequently happens, and when Mr. Addison comes home from Philadelphia, where he now is, I will consult him, and, in the meantime, write to Mr. Young upon the state of the parties. We will not commit you without a tolerable chance, and my little aid shall be very cheerfully contributed towards the accomplishment of so very desirable an object. In the meantime, it will be well enough to let me have a list of the sub-agents you hint at, that they may be sounded or employed, as occasion may require.

I concur in the apology of the Governor of the Western Territory in appointing the Attorney-General. I have always considered that office as of high importance, standing between the government, the people, the accusers and the accused, with the virtual power of pardon or prosecution in his hands, to be dealt out at *his* pleasure and discretion. There should be no bias upon his mind, either from views of honor or advancement from the execution, or otherwise, of his appointment; nor of money or advantage, on the other hand, for any part of the discharge of his public duty. He should, therefore, be a salaried officer, and receive no fees upon indictments, because these perquisites may have a tendency to promote and multiply prosecutions oppressively, for the sake of fees. The clerks of the courts could then and ought to fill up blank indictments, in the usual form, in all common cases, upon the order of the Attorney-General. In special cases, the Attorney-General could frame the indictment and let it be copied by the clerk before it should be sent to the grand jury. The only doubt in my mind is, whether the *power* of appointing during good behavior exists in the Governor, or not; there can be no doubt of the *expediency*, if the power exists; nor am I able to see what could be fairly urged against it, or against his being made a salaried officer, except that hitherto it has not been usual, probably from false economy.

---

[1] Governor St. Clair finally decided not to contest the district, it being decided by Judge Addison that the Republicans were in the ascendency.

In the new county of Jefferson, in your Territory, there are complaints that they have no judges of the court, or justices of the peace in the upper end of the county, where settlements are becoming very numerous and respectable. Mr. Thomas Fawcett lives at the upper end of the county, Mr. William Wells, formerly an under-sheriff of Washington county, Penn., about halfway between Fawcett and the county-town, and Mr. John Ward, son-in-law of Colonel McLean, living in Steubenville, are all sensible, moral, good men, who have purchased and settled regularly in the county.

I am persuaded you will do a great public good, and afford much satisfaction, by appointing all the three judges of the court of common pleas and justices of the peace. Two of our present judges seldom attend the court, and, if a third should be such, no court could be held, as there are only five in the original commission of the pleas. Colonel Sargent being anxious to wait until, by future settlements, a better choice might be made, it will be of some consequence that the commissions should be forwarded before the 7th of August to Mr. Bezaleel Wells, as there will then be a court in that county, and I will not conceal from you that I have some fears[1] that the justices in the lower end of

---

[1] This reference to the action of the justices of Adams county will be made clear by the following letter:

GOVERNOR ST. CLAIR TO NATHANIEL MASSIE, AND OTHER JUSTICES OF ADAMS COUNTY.

CINCINNATI, *June* 29, 1798.

Gentlemen:—I have received authentic information of a transaction of yours, in your characters of magistrates of the county of Adams, and holding the courts of that county, which has, indeed, astonished me. It is, that you have taken upon yourselves to remove the courts from Adamsville, the place appointed for their sessions by proper authority, to some other part of the county, contrary to every principle of good order.

The power of fixing the places where the courts are to be held in every county is exclusively in the Governor. It is an exercise of executive authority of which no other person or persons is or are legally capable; and it is important to the people that the places where they have been appointed to be held should not be subject to wanton change. When the people lay out their money in improving county-towns, it is in confidence of their stability; and, when the courts are removed from those towns their importance is lost, and the property of the adventurer sinks with it, and it is to them a real breach of public faith. Adamsville was declared by proclamation to be the place where the courts for the county should be holden, and an attempt to remove them was a most unwarrantable assumption of power and contempt of authority by the justices, which might subject them to prosecution. I am willing, however, to believe that it did not proceed from that source, but from a misapprehension of the law and their own power.

By the second section of the act entitled, "an Act directing the building and establishing a court-house, jail, etc.," in every county, passed at Cincinnati the 1st August, 1792, it is enacted that, "every court-house and jail to be erected, as aforesaid, shall be formed of such materials, and of such dimensions, and on such plans as shall be directed by the judges of the court of common pleas, or a majority of them, in each county, who are hereby authorized to plan and project the same, and to accept as a gift, or to purchase for the use of the county, so much ground as they may judge convenient and necessary, whereon to build all and any of the structures aforesaid." You will be pleased to observe, gentlemen, that the act is silent as to the power of appointing the place where the courts are to be held, and that the power of the judges is confined to the planning and projecting of buildings, and accepting as a gift or purchasing ground whereon to erect them, and it is a fair and clear implication that the ground should be accepted or purchased in the place where the sessions of the courts had been previously fixed, and that is always prior to, or coeval with, the appointment of those judges. It is a maxim that a power by grant can not be extended to any thing which lies out of the grant; and the shadow of a power to fix the place where the courts are to be held is surely not within a grant to direct the size, the figure, and the materials of the public buildings.

A law was passed at Cincinnati, on the 6th November, 1790, whereby the county may, like the magistrates of Adams county, attempt to remove the seat of justice.

---

the Governor was directed, in every new county to be hereafter erected, to ascertain and specify, and publish by proclamation, on what days in the year, and at what place or places in such new counties, where the courts of common pleas, and also the courts of general quarter-sessions of the peace, shall respectively be opened and held every year. That law has been repealed; but it gave no new power to the Governor, and was merely an affirmance of the constant practice, and to render the places more generally known than the commission to the court would effect. Were it still in force, it would be clearly explanatory of that part of the before-recited clause of 1790 (passed before it) which gives power to the judges of the courts of common pleas to accept or purchase lands whereon to erect the public buildings. They were to accept or purchase them where the courts were appointed to be held. The power of the Governor to lay out counties, and to fix the places where the courts are to be held, which is incident to it, stands upon the Ordinance for the Government of the Territory, and not upon any law adopted in pursuance of it.

It appears to me, gentlemen, that very proper steps were taken by the secretary, in whom the powers of the Government were vested, to ascertain a proper place for the sessions of the courts in the county of Adams, and the proclamation by which he declared it was likewise proper. Should, however, that place be found an improper one, it may yet be remedied, as no private building has yet been erected there in consequence of the measure, but not in the manner you have thought proper to adopt. If the people of the county represent the matter to me in that light, I shall certainly take it into consideration, and they will always find me ready to listen to their reasonable requests, and to comply with them so far as they comport with my duty and the public good. In the situation of a county town a Governor can have no private interest of his own to serve, but it is very possible that even a majority of persons who may have been appointed justices may have such interests, and be disposed to prefer them to those of the public at large; and, where there are conflicting opinions on the subject, investigation and deliberation are necessary.[1]

I have been further informed, gentlemen, that you are proceeding to erect the necessary public buildings at the place where you have attempted to transfer the courts. I presume you will see the impropriety of such proceedings, and will arrest them. But I think it proper to inform you that I have prohibited the treasurer to accept any orders of yours or pay out any moneys of the county upon them for that purpose.

---

(1) This paragraph contains the strongest reason St. Clair had for insisting on his right to erect new counties and establish county seats. In the case of Adams county, he knew that Colonel Massie, an original proprietor, owned the lands in and around Manchester, and that his efforts to remove the courts might be actuated by personal considerations. Hence, he insisted on first ascertaining the wishes of the people.

GOVERNOR ST. CLAIR TO GENERAL WILKINSON.

CINCINNATI, *July* 16, 1798.

Dear Sir:—Your letter of this day's date, concerning the depositions of William Stronely and William Cribb respecting Zachariah Cox, I have received, and have considered both with some attention, and I am of the opinion, as I had the honor to mention to you in conversation a day or two ago, that it is important to the public interests that the settlement made by Cox below the mouth of Cumberland should be broken up; and that he himself should be made [out]. But you will be pleased to observe that the opinion is founded upon the presumption that the lands upon which the settlement is formed are part of that allotted to the Chickasaw Indians by the treaty at Hopewell, in 1706. It appears to me to be necessary, before any steps be taken to break up the settlement, that it should be ascertained whether it is upon those lands or not, because if it is not, although Cox's proceedings, being an usurpation of some of the rights of sovereignty (and in present circumstances give just apprehensions of designs inimical to the United States), are a high misdemeanor, they do not apply directly against the United States, and can be inquired into and punished in the State of Kentucky only. It is also to be observed that the United States have not engaged to maintain those lands to the Chickasaws against the intrusion of persons from the United States; for, by the fourth article of that treaty, it is only stipulated that persons who may intrude shall be out of the protection of the United States, and it is left to those Indians to punish them or not, as they please.

By the fifth section of the act to regulate trade and intercourse with the Indians, passed May 19, 1796, a heavy penalty is imposed upon every person who shall make a settlement on any land belonging to or secured, or granted by treaty with the United States to any Indian tribe; and the President is empowered to take such measures and to employ such military force to remove them as he may judge necessary. In virtue of that clause, I suppose the express order of the President would be necessary to the justification of the military officer who shall remove them, if his act be called in question. But, by the sixteenth section of the same act, it is declared to be lawful for the military force of the United States to apprehend every person who shall or may be found in the Indian country over one [mile?] beyond the boundary line between the United States and the Indian tribes, in violation of the provisions or regulations of this act, and to convey them to the civil authority in some of the three adjoining States or districts, to be proceeded against in due course of law; and the fifteenth section gives jurisdiction in the cases to the courts of the United States and of the Territorial districts. The special orders of the President are not necessary to the military for the mere apprehending the offenders—even against that law, as it appears to me, even if it should be doubtful whether they may be over the boundary or not, for it must always be doubtful when settlements are made near it and it has not actually been ascertained and marked; but that section will not justify violence or the destruction of the settlements; and, upon the trial, should it be found that the settlements were not upon lands belonging, or secured, or granted by treaty to any Indian tribes, the officer who directed the destruction would be answerable for all damages, which would not probably be very lightly assessed. If you can, then, lay your hands upon Cox or his associates, you will, in my opinion, be perfectly right in doing so; in sending him for trial, either to this or to the Mississippi Territory, or any adjoining State, within ten days' after they shall be taken into custody.

In your letter to the Secretary of War, which you have politely communicated, I perceive you purpose to disarm Cox's followers. I am very much at a loss how to advise in that respect; the hostile array in which they appear, the military organization and the white flag are certainly evidences of a conduct inimical to the Government and to the peace of the country. Still, I believe the measures to be taken with them (for we are not yet at formal war with any nation, so that these acts are not strictly treason,) should be by the Government, and that it will be prudent for you to wait for orders unrestricted before you proceed to extremities with them.

GOVERNOR ST. CLAIR TO NATHANIEL MASSIE AND BENJAMIN GOODIN.

CINCINNATI, 23d *July*, 1798.

Gentlemen:—Your letter of the 11th instant was delivered to me yesterday, and in reply to it I have to observe that you say "the court (meaning the court of common pleas for the county of Adams) at their last term, having taken up the business for erecting a jail, proceeded to plan and project the same, the attention of the court was naturally led to fix upon a piece of ground for that purpose." The inference is just, and, had the court confined themselves to fixing upon the most proper piece of ground whereon to place it and the place where the courts were *by proper authority* appointed to be held, and accepted as a gift, or purchased the same for the use of the county, they would have acted with propriety, consistently with their powers, and agreeably to law. I admit, however, that the place where they had been fixed, being disputed property, and a suit depending, is a good objection to it, and, consequently, to the erecting the buildings there: because, though the person in possession (by whatever title he was in) had consented to their being erected, should he be defeated in the action, it would be in the option of the person recovering to confirm the ground on which the building stood to the county, or to convert them to his own use. Still, that circumstance should have been represented to the executive, and, if it had been represented, I presume it would have had due weight; with me it would have been conclusive. But the objection, strong as it is, does in no manner justify the removal of the sittings of the court to any other place by a majority of the court of common pleas, to do which they had no authority, either by law or custom.

There are but two ways in which the courts of common pleas could have acquired power [to] fix or alter the places of their sessions (for it surely is not incident to them as courts), to-wit: either by law or by their commissions. But it has not been given to them by law, and the commissions only empower them "to hold pleas of assize, scire facias and replevins, and to hear and determine all and all manner of pleas, actions, and suits and causes, civil, personal, real and mixed, according to law. The law which gives any agency to those courts in the matter of places where the courts were to be held, respects the mode and manner of the public buildings only, at the same time that it empowers them to accept as a gift, or to purchase for the use of the counties a piece of ground whereupon to erect them, and this involves the right of judging of the fitness of the piece of ground for the purpose, and no more. A consistent meaning and explanation is to be given to every law, and clause of a law, if it will admit of it. But it would be absurd that the executive should fix the places for the courts in the counties respectively, and that the courts of common pleas should have the power to accept or to purchase grounds and to erect the public buildings on them at other places. The law authorizing the Governor to ascertain the times and places at which the courts were to be held in any new counties that might be erected, passed the 6th November, 1790, was, as I had the honor to observe in a former letter, in affirmance of what had been the constant practice, and it confined the Executive to a like practice in future.

The law of the 1st August, 1792, only provided for a case not provided for before, to-wit: the erecting the necessary public buildings, the effecting of which was laid upon the courts of common pleas, but did not repeal or alter the law of November, 1790. They both stood together (and stood well together) for the last, you will please to observe, was not repealed until the 14th July, 1795. Until that time the Governor's power, *by law*, to fix the places for the services of the courts still existed. At that time, his authority in the case, *by law*, ceased to exist, and was not vested anywhere else. But how does the law now stand? is the question. The courts of common pleas have still all the power respecting the public buildings they ever had, to-wit: to plan and project them; to determine the materials of which they shall be constructed; to accept of or to purchase ground whereon to erect them, at the places that had been previously fixed by the Governor, and to contract for the execution of them, and no more. As to the rest, gentlemen, you have yourselves furnished the answer, for you observe that "the Ordinance is totally silent as to the Governor's power of fixing the places where the courts are to be held; the Ordinance being silent on that subject, there can be no doubt but the power must be vested in the Executive until otherwise provided by the legislature." If the law, then, of November, 1790, had made a different deposit of the power, which it did not, the law of July, 1795, repealing that law, restored it to where it was; for it is a maxim that a law repealing a law revives the antecedent law. It is clear, then, from your own reasoning, that the power to ascertain and fix the times and places for the sessions of the courts is in the Executive, and nowhere else.

I did suppose, gentlemen, that it was upon the second section of the law directing the erecting of court-houses, etc., that the court of common pleas of the county of Adams had founded their opinion "that they had the right of judging of the propriety of the spot whereon to erect the public buildings within the county;" but it is evidently an unfounded opinion; and it is easy to see inconveniences that might follow from such a right in the courts; for it is only to suppose a change in the members and a preponderancy of opinion in a majority in favor of other places than those chosen, either by the Governor, or their predecessors, and the places may be changed from time to time, *ad infinitum*, with the changes that must necessarily happen upon the benches; and something like this has actually happened in the neighboring State, where the court of quarter sessions have power, *by law*, to fix the place of their sittings; and it is, I believe, the only State in America where these or any courts have that power.

The injury that arises from the want of good and sufficient jails, both to the public and to the inhabitants of the several counties, I am very sensible of. I believe the law making the counties answerable for escapes, to be a very bad one; because it favors negligence in the sheriffs, and lays a burden on the people they ought not to be charged with; and, if I have influence enough with the legislature, at their next session, it will be repealed.

After all, gentlemen, I have no predilection for Adamsville, and, with the disadvantages you have stated, it is certainly an improper place for the county-town, though well enough as to situation with respect to the county at large, and the divisions of it that must take place in future. When new counties are laid out, they are generally, from necessity, very large; and the places where the courts are fixed, in the first instance, and the public buildings, of course, erected, should be relative to that part which will probably remain together after those divisions rather than the present circumstances; that the public buildings may be still in a suitable situation, otherwise a lasting injury might be done for the sake of a temporary convenience. If I am rightly informed, the objections to Adamsville, from the difficulty of access in high waters, apply equally to Manchester; but it is my intention to visit Adams county immediately after the August court here, and it will be very grateful to me to do in respect to the county-town what may be desirable at present and permanently useful. I have the honor respectfully to be, etc.[1]

GOVERNOR ST. CLAIR TO PRESIDENT ADAMS.

CINCINNATI, *August* 13*th*, 1798.

Sir:—A few days ago I received an address from the grand jury for the county of Hamilton, which, as it contained very proper sentiments respecting the present national crisis, I promised them should be transmitted to you, and I now take the liberty to inclose the public paper in which it is inserted. I can not doubt, sir, but they will be pleasing to you, and I beg leave to assure you that no pains shall be spared to strengthen and disseminate them in every part of this extensive Territory, which is a very important appendage to the United States.

---

[1] The original letter is in possession of Robert Clarke, Esq.

The military spirit is up in this county, which has taken the lead, and will be followed; but, to render it more certain, I set out in a few days on a tour to review the militia in all the upper counties, and it is a great satisfaction to me that my health is so well re-established that I am able to do it at this time without risk.

---

0 GOVERNOR ST. CLAIR TO JOHN BROWN.

CINCINNATI, *October* [NO DATE], 1798.

Dear Sir:—It was a very sensible disappointment to me that I had not the pleasure of meeting with you when you were lately in this Territory, as it always will be when any thing occurs to deprive me of an opportunity to give you every testimony of my respect. Derangements in the militia, and changes that are daily happening in the state of this country, had rendered a visit to the counties lying above this indispensable. It is with pleasure, I can assure you, that, at this critical period, a temperate approbation and firm attachment to the United States prevails in them all. But you have been an eye witness to it in part.

A conversation between you and a gentlemen at Columbia, wherein the great influx and settlement of people upon the lands of the United States and the difficulties that might result were mentioned, and that you observed "it was always easier to prevent an evil than to remedy it, and that speaking in the character of a senator of the United States, it had always been expected that attention would be paid to that circumstance by the Governor," there could be nothing more just than your observation, and I beg leave to assure you that whether it may have been communicated to the senator or not, it has never been overlooked by the Governor; neither has he failed in giving information to the Government. The settlements have been forbidden by proclamation more than once, and many letters written to the Secretary of State on the subject, and I beg of you, sir, should it be supposed that the Governor has been negligent, that you would be pleased, when the Senate meets again, to call for them. And I hope they will have the goodness to recollect that the Governor has no specific authority to remove the intruders by force (to prevent them by force is impossible); that if prohibitions have not the expected effect, the repetition of them would only bring them into greater contempt; that, perhaps, no legal means to prevent or punish, if it were desired, the occupation of those lands. Indictments would not lie, and ejectments, besides the slowness and possible inefficacy of the remedy, he has never had any authority to direct nor to charge the United States with the expense that would necessarily follow. All that was in his power to do in the case he has done. He has forbidden it, and he has represented it to the Secretary of State, and requested orders.

I have often thought, sir, and have frequently lamented to individuals of these bodies, that not any of the parts of the legislature were sufficiently impressed with the importance of this dependence of the United States. It is, in fact, but little known except to a few, and, of late, all their attention has been occupied by things more immediately of moment. The next session, I hope, may afford an opportunity to think of it, and the change that will take place, in a short time, in the internal organization, and which will introduce a representative into the National council if a proper choice be made, will afford an opportunity of more constant and correct information than has as yet been at hand. My chief object has ever been to give the people such a direction as might contribute to make them virtuous, and, of course, happy, and a useful part of the United States when they shall be entitled to it. Should I succeed in this, it will be a consolation to me and a gratification to those who have supported me when I had need of support against calumny, malevolence, and power; and it is with gratitude and pleasure I reckon you, sir, among the number. What I have written above is in no sense in the nature of complaint, but purely for your information.

DAVID ZEISBERGER AND OTHERS TO GOVERNOR ST. CLAIR.

GOSHEN ON SCHÖNBRUNN, *October* 28, 1798.

Sir:—We, the undersigned, missionaries of the Church of the United Brethren, being lately arrived from Canada, with nine families of Christian Indians, and now residing with them on one of the tracts of land on the river Muskingum, which were granted by the bounty of Congress for the use of said Indians, humbly beg leave in our and their names to present our best respects to your Excellency, and to recommend ourselves to your favor and protection.

The colony that has accompanied us hither is a part of the remains of the former inhabitants of the towns of Schönbrunn, Gnadenhutten, and Salem, with other Indians who have since embraced the Christian faith and joined their fellowship. Since their removal from their former peaceful and flourishing settlements on this river, they have endeavored to establish themselves in various different places, uniformly with the view to the further propagation of the gospel among their countrymen, and to avoid taking share in the late unhappy war. At length they were obliged to take refuge in Upper Canada, where the greater part of them are, at present, under the protection of the British government.

The grand objects of our mission remain, as heretofore, to preach the gospel to the Indians, establish schools among them, inculcate habits of industry and sobriety, and instruct them to live a quiet and peaceable life in all godliness and honesty.

Your Excellency need not be informed that the practice of introducing spirituous liquors into Indian towns is, in its consequences, highly inimical to every attempt to reform and civilize their nations. Not to enlarge on the wickedness of taking advantage of the weakness of a description of our fellow men for purposes of deceit and to their manifest destruction, we believe, also, that the habits of violence and vice to which it leads, by enervating their constitutions and diminishing their numbers, is inconsistent with the interests of that very trade which it is meant to promote. We conceive, therefore, that it must be the ardent wish of every benevolent and patriotic mind that, if possible, an end may be put to so immoral and pernicious a practice.

The purpose of our present application to your Excellency is, to request, at the desire of the colony which we have been appointed to superintend, that we, the undersigned, and our successors, may be authorized and enabled, in such manner as to your wisdom may best seem meet, to prevent any spirituous liquors from being offered for sale or barter, or used as an enticement to trade, in any town or settlement of Indians that may be made under our directions, within the limits of your jurisdiction. We have the honor to be, etc.

David Zeisberger,
Benj. Mortimer,
John Heckewelder,
Missionaries, Agt. to the Soc., etc., on Muskingum.

Peter Adrian to Governor St. Clair.

Detroit, *November* 1, 1798.

Sir:—In obedience to your Excellency's orders, I have requested a magistrate of each township to cause the enumeration of the free males, inhabitants of Wayne county, to be taken as soon as possible. I was lucky in finding an opportunity for Michilimackinac and receive the return.

I now have the honor to inclose you a general return of the free males of the age of twenty-one years and upwards, of the four townships of Wayne county. Your Excellency will see that, on the return of Michilimackinac, there are seven hundred savages or hired men to merchants for the Indian trade, over and above the residenters at that place. It is, as I am informed by the magistrates at that post, about one-half only of the savages resorting thither every summer, but the other half is composed of Canadians coming from Montreal, of course not entitled to the rights of citizens of the United States. There are many people omitted in the returns, particularly in Sargent and Hamtramck townships, as you will see by the return certified by the sheriff of the county, etc.

I beg leave to assure your Excellency that no time has been lost since the receipt of your orders, and that no opportunity before this has offered to forward the return to the seat of government.

Very little difficulty has been experienced in taking the enumeration of the people, but a very great one will exist in finding men fit to represent the county in General Assembly, if organized. The best informed, in general, are the British subjects, who, by their own election, of course, are not eligible, and I do not know one single Canadian who understands English enough to be a representative. We have three or four gentlemen who would do very well, but their occupations are such that I am afraid will not admit of their absence. The Canadians now feel the want of education, and are anxious for an opportunity of getting their children taught to read and write, and especially the English language.

I think it my duty to inform your Excellency that the commandant of this post has granted an acre of ground on the commons adjoining the town, to be used as a burying-ground for the Roman Catholics. This grant answers a very good purpose, as their old burying-ground, adjoining their church, and within the pickets, is so full that it is a real public nuisance, and has been presented as such by several grand juries.

I have heard that the Indians in the neighborhood of St. Joseph seem disposed to do mischief. My information is from James May, Esq., one of our justices, who lately received a letter from his friend Mr. Burnet, merchant at St. Joseph. This information has been communicated to the commandant of this post, who probably has taken the necessary steps to counteract the maneuvers of the wicked Indians. All is quiet here. Indians have generally gone to their winter grounds; we have less of them at this moment than at any period since I have been in Detroit.

GENERAL ST. CLAIR TO JOSEPH PARKS, ABOVE THE MILITARY RANGE.

CINCINNATI, *December* 13, 1798

Sir:—I have received a petition signed by you and Jos. Brady, in behalf of numbers of respectable inhabitants of the county of Hamilton living above the military range, on the subject of the ensuing election, and wherein I am requested to decide whether the people living beyond the lands that have been granted by Congress can be admitted to vote at it, for that is the question. It would be very satisfactory to me if I could decide it according to your wishes, but it seems to be out of my power.

The question has been brought forward by me, and I have considered attentively, and my own opinion was that they were not entitled, but I would not depend altogether on my own opinion, and submitted the question to the principal law officer, and his opinion was decidedly against the right.

You will consider that the right of suffrage is confined to those who hold lands either by freehold—that is a lease for life—or in fee simple. Now, none of you hold lands by either of those titles. You hold under Judge Symmes, who has himself neither of these titles, and, indeed, nothing but a claim in virtue of a contract, which he says ought to be fulfilled, but which the Congress, the party with whom the contract was made, has hitherto refused to fulfill. If the judge held no other lands than those which are comprised in that claim, he himself would not be entitled to a vote, and you must be sensible that the dividing the claim among a great number can add no rights that the original claimant had not. You stand, in respect to the right of voting, precisely on the same ground as those who have sat down on the public lands that are not claimed, and who have not pretended to a right to vote in consequence of their having done so.

But you think it hard that, as you have paid your money for the land, you should not have a right to vote. Consider that if you had the money in your pockets it would not give you the right. It is to hold in freehold or fee simple that gives the right, and not money, and you know very well that if you should buy land and pay your money for it of a person who had not a title to the land, you would not get the land; and so here, from your having paid your money to Judge Symmes, you can not get the right to vote, because he would not have that right from those lands as he now holds them. But I hope and trust you will not lose your lands. Long before another election it will be settled, and then you will all be entitled to vote.

You think because the people who own houses and lots in the towns, who are not within the word of the Ordinance, are allowed to vote, that the privilege should be extended to you likewise; but reflect that the qualification required is the holding of real estate, and that there was not a town in the Territory, nor any great likelihood that there would be any before there would be inhabitants enough of that description to make laws for themselves. If it had been foreseen, it would, no doubt, have been provided for. Accident has made towns shoot up, and the owners have laid out a great deal of money on their houses and lots, to the benefit of this country, and they hold them in fee simple, so that they are clearly within the meaning of the Ordinance, though not within the word of it.

But you think because you have paid taxes, you should be allowed to vote. The taxes you have paid have been county rates only, for the support of the county you inhabit. That the people that are living over the Miami have not paid any yet, is because they were made a part of the county of Hamilton too late to be taxed last year, and were too far separated from the rest of the county they live in to be taxed in that, but another year they will be included in the taxation of Hamilton; and, besides, the having paid taxes is not a condition here as to the right of voting.

It was, no doubt, from your numbers being taken into the account that the five members were, but what advantage would it be to you that the number was restricted to the proportion one for every five hundred within the county? The more members you have, the more weight you will have in the legislature, and the better the interest of the county, and your particular interests, will be attended to; and, if your members were to be thrown out, which can not be done, for you are inhabitants of the county, still it would be entitled to five members, for, by some mistake, I understand, the members below the Miami were not given in.

The above statement will, I hope, satisfy you that you have been thought of, and that, for this time, you must rest satisfied even for the privilege of being postponed. To extend the privilege of voting to you would give me pleasure, if I could do it consistently with my duty. But, if it were granted to you, suppose some candidate were thrown out by your votes who would have been elected if they had not been given to another, and he should dispute the election? Your right to vote must then be decided upon legal principles, which are clearly against it, and its having been sanctioned by me would be of no consequence. I can give no right to any person to act illegally, and it is our great happiness that the laws bend to the will of no man.

I have been thus particular that I might give you all the satisfaction in my power.[1]

ADDRESS OF THE GOVERNOR.

Gentlemen of the House of Assembly:[2]—Although it is out of the common course for the Executive to address itself to one branch of the legislature before the other is convened, I have thought on this occasion of your first meeting, an occasion on which I very heartily congratulate you, that it was consistent with propriety, as a considerable time must elapse before the other branch can be formed. Two matters will immediately claim your attention; the organization of your own body by the appointment of a speaker, a clerk, and other necessary officers, and the nomination of persons for the council. You will see by the Ordinance that ten must be nominated, five of whom will be appointed and commissioned.

---

[1] This closed the Governor's correspondence for the year. But little was accomplished by the Legislature.[1]

(1) OFFICIAL RECORDS, 1798—LAWS PASSED.

1. To confer on certain associations of the citizens of this Territory the powers and immunities of corporations, or bodies politic in law. [*Pub. May 1.*]
2. For the punishment of maiming or disfiguring. [*Pub. May 1.*]
3. Vesting certain powers in justices of the peace in criminal cases. [*Pub. May 1.*]
4. For the equal division and distribution of insolvent estates. [*Pub. May 1.*]
5. To provide for the improvement of the breed of horses. [*Pub. May 1. Took effect September 1.*]
6. Directing the mode of proceeding in civil cases. [*Pub. May 1.*]
7. In addition to a law entitled, "A law ascertaining the fees of the several officers and persons therein named." [*Pub. May 1*]
8. For the purpose of including all unsettled and unimproved tracts or parcels of land, and subjecting them to taxation. [*Pub. May 1. Took effect December 1.*]
9. Rendering the acknowledgment of deeds more easy. [*Pub. May 1.*]
10. For establishing a land office. [*Pub. May 1.*]
11. Repealing certain laws and parts of laws. [*Pub. May 1.*]

[2] It having been ascertained in 1798 that the Territory contained five thousand white male inhabitants, and was entitled under the Ordinance to enter on the second grade of government, Governor St. Clair issued a proclamation making known the fact to the people and inviting them to elect Representatives to the first General Assembly. The Representatives were chosen, and assembled at Cincinnati February 4th, 1799, agreeably to the

As many counties from which you come are at a great distance, your going back to them and returning again when the council shall be formed, would be attended with much trouble to yourselves and considerable cost to the public; and for the House to adjourn and the members from the distant counties to remain here during that interval, would subject them to an unreasonable private expense, I have supposed that until the council shall come forward, your time may be usefully employed in preparing bills to be submitted to them, and you will be at leisure deliberately to consider any amendments or alterations which they may suggest; and you will find, gentlemen, that the business which will come before you is of considerable magnitude.

That part of the Territorial code which relates to civil matters requires both alterations and additions, and nearly all the laws relating to crimes and punishments are of very doubtful obligation, as well as some of civil laws, and those for regulating the militia.

The laws of doubtful obligation are all those which have been *made* by the late legislature. They never had power to make laws. The codes of all the States in the Union, at the time the Ordinance for the government of this Territory was passed, were thrown open before them, and they were empowered to select from all, or any of them, such laws as they might judge to be proper and necessary,

---

proclamation, for the purpose of nominating ten persons, from whom the President was to select five to constitute a legislative Council. The Representatives were:

From the County of Washington—Paul Fearing and Return Jonathan Meigs.

From the County of Hamilton—William McMillan, William Goforth, Aaron Cadwell, Robert Benham, John Ludlow, John Smith, and Isaac Martin.

From the County of St. Clair—Shadrach Bond.

From the County of Knox—John Small.

From the County of Randolph—John Edgar.

From the County of Jefferson—James Pritchard.

From the County of Ross—Thomas Worthington, Edward Tiffin, Samuel Findley, and Elias Langham.

From the County of Adams—Joseph Darlington and Nathaniel Massie.

From the County of Wayne—Solomon Sibley, Jacob Visgar, and Charles F. Chobart de Joucaire.

After nominating for the legislative Council, the House adjourned to meet at the same place on the 16th September following.

and adopt and publish them as rules for the inhabitants; and further their legislative powers did not extend. And though you will find that on several occasions I have joined in enacting laws, it was under a conviction of impropriety at the time, compelled to acquiescence by circumstances which it is unnecessary now to mention, and not without entering upon the records of the government a kind of standing protest against the practice and fixed determination to check it the first opportunity. That opportunity did not occur until the session of the legislature before the last, when the practice and the principle it was founded on was inquired into, debated, and unanimously condemned. Some of those laws were repealed, and others adopted in their stead; and, had there been time for it, the statute book would have been cleared of them all; unfortunately, it was recurred to at the last session. Should the gentlemen conclude not to intermit your session, I would recommend the immediate repeal of all, and where laws of the same kind are necessary to prepare bills in order to be passed into laws, the obligation of which will be unquestionable. An effective system for the militia you will doubtless consider as of great importance, as well as the means of providing a revenue, for a considerable sum of money must necessarily be wanted, and there is not any in the treasury to meet the debts already incurred. From this general view of the subject, and many others will come before you, you will perceive, gentlemen, that your time will be pretty well filled up. If you conclude to proceed in the way I have taken the liberty to recommend, some other communications, after you have informed me of the choice of a speaker, will be the subject of particular messages.

When you shall communicate to me the names of the persons you nominate for the council, I request you to point out the manner in which you wish to have them sent forward to the President of the United States; that is, whether you think it most proper that an express should be employed to carry them, or to trust to the conveyance by post.

It is, gentlemen, a very pleasant thing to me that the people are now about to legislate for themselves, and the great increase of population and importance of the Territory is fully evidenced by so numerous and respectable a representation. With the legislature I shall always be happy to concur in every thing that will tend still further to increase that population and importance and the general welfare of the people.

To the speaker, when appointed, I will transmit a copy of this address.

GOVERNOR ST. CLAIR TO THE PRESIDENT.

CINCINNATI, *February* 6, 1799.

Sir:—I have this day transmitted to the Secretary of State, to be laid before you, a certificate from the House of Assembly of the nomination of ten persons whom they have selected for the Legislative Council, conformably to the Ordinance of Congress for the Government of the Territory, five of whom are to receive your commission. It does not appear by what rule they have been inserted in the certificate; that is, whether those who had the most voices, or that were first voted for, are placed first. I have taken the liberty to place them below geographically, beginning with the most eastern, and to annex the counties in which they respectively reside:

David Vance, Jefferson county.
Robert Oliver, Washington.
William Patton, Ross.
Joseph Darlington, Adams.
Jacob Burnet, Hamilton.
James Findlay, Hamilton.
Arthur St. Clair, Jr., Hamilton.
Richard Allison, Hamilton.
Henry Vanderburgh, Knox.
William St. Clair, St. Clair.

I am personally acquainted with all of them, except Patton and Darlington, who have not been very long in the country, and migrated from Virginia, but are men of good character. Indeed, all of them are unexceptionable, though some of them are, no doubt, better qualified for such a station than others. Mr. Vance is a respectable man, of good understanding; so is Mr. Oliver. Mr. Burnet and Mr. St. Clair are two young gentlemen of the bar, and of handsome abilities. Mr. Findlay is in trade, and Mr. Allison is a physician. Mr. Vanderburgh has been in trade, and Mr. William St. Clair is now. He was formerly a resident at Detroit, and was obliged to leave it, for refusing to serve in the militia to aid the savages against this part of the country, and threw himself on my protection. He has been settled at Cahokia about nine years. The population of the counties of Randolph, St. Clair, Ross, and Wayne may be about equal to the county of Hamilton; and the five counties that lie above it may something exceed it. I thought it would not be improper to give you, sir, this kind of information.[1]

JOHN ADAMS TO GOVERNOR ST. CLAIR.

QUINCY, MASS., *May* 17, 1799.

Sir:—I thank you for your favor of April 8th, and especially for the pamphlet inclosed with it. I have read it with great pleasure, as a masterly refutation of its antagonist, in the style and manner of a gentleman, and seasoned with no more than was useful and agreeable of attic salt. Happy am I to find such just sentiments countenanced, encouraged, and prevailing in the North-western Territory. Although your wish that my writings were more generally read is very flattering to me, I am, nevertheless, not very confident that they will do much good. Mankind will not learn wisdom by experience in matters of government. They get rid of all such systems by slight sarcasms, and say that is in favor of democracy, I say that theory is altogether in favor of mixed governments, as well as experience. But I am not about to write a lecture.

GOVERNOR ST. CLAIR TO THE PRESIDENT.

June 24th, 1799.

Sir:—I have been honored with your very obliging letter of the 17th May, which arrived here at a time when I was absent on an excursion to Pennsylvania in order to bring my family to this country, and obviate the necessity of the like in future.

The approbation you have been pleased to bestow on the pamphlet[2] I took the liberty to inclose to you, could not be received without great satisfaction, and it would imply a want of both sensibility and good manners not to acknowledge it. As to the intention, I was satisfied, and I am truly happy that the execution could give pleasure to so excellent a judge. It has drawn upon me, however, the trouble of having another small performance published in numbers in the newspapers, at the time the cry against the alien and sedition laws was loud. The reference made in the consideration of Mr. Nicholas's letter to those publications, caused a demand for them that the printer could not satisfy, and I thought it might do some good to have them republished together, and I beg the favor that you will be pleased to accept a copy as a testimony of my respect. Although I was very sensible that a weak advocate often hurts a good cause, and that the subject must necessarily lead me into a path with which I was but very little acquainted, it appeared to be necessary to check the current, which sometimes a very slight obstruction will effect when it has risen to any considerable height, and I have had the satisfaction to see that effect produced here in a good degree.

---

[1] The President selected for the Council, Robert Oliver, of Washington county; Jacob Burnet and James Findlay, of Hamilton county; Henry Vanderburgh, of Knox; and David Vance, of Jefferson.

[2] Not found among the St. Clair papers, but the text of the letter indicates that it was political, and written in support of Mr. Adams's administration. See letter of Mr. Adams acknowledging its receipt.

GOVERNOR ST. CLAIR TO THE SECRETARY OF STATE.

CINCINNATI, O., *July*, 1799.

Sir:—I am this day honored with your letter of 19th June, and a copy of the deed to Judge Symmes and his associates for a tract of land between the Great and Little Miami Rivers.

I think it is probable that the reserved lots in the several townships have been ascertained, because I am informed that the whole of the lands granted have been surveyed and sold. But I have good reason to believe that the surveys have been in so inaccurate a manner, that it is most likely the whole must be re-surveyed. The north and south lines are not parallel to each other, some of them diverging so far as make a difference of three-quarters of a mile, and some of them approaching considerably, and the east and west lines have not been run at all. Whether the reservation about Fort Washington has been laid out, I can not certainly inform you, though I think it has. But I am most certain that the College Township has not, and, until I received your letter, I never heard of the reservation at the mouth of the Great Miami.

It may, perhaps, surprise you, that an object of so much consequence to the settlement as the township for the support of an academy, which township was to be approved by the Governor, should not have been attended to by him. That the Governor had any agency in the business never came to my knowledge. An application was made by some of the inhabitants, requesting that I would call on Mr. Symmes, to cause it to be laid out, and the person who made the application assured me that he had seen his patent, and that it was one of the conditions that a township, to be approved of by the Governor, should be laid out by him as soon as possible.[1] I called for a sight of the patent, and found it to be as it had been represented, and was informed by him that he had designed a township (which is now known by the name of College Township and agreeing with the situation required) for that purpose, but that he had met with so many delays before the granting township for an academy was agreed to, that he had sold it, and that every other whole township in the tract, excepting one, was sold; that he was willing to locate and assign that one, if it should be approved of. Soon afterwards, the offer of that township was made in writing, in form, but I had been previously informed that one-half of it had been sold to Mr. Boudinot, and that a lawsuit was actually pending for the recovery of it between him and Mr. Symmes. Independent of that, it has been represented to me as of very indifferent quality, and, under those circumstances, it would not meet my approbation. It has been proposed to bring the matter before the Legislature, that such application might be made to Congress as they should think proper, which seemed to me the best way of proceeding.

It is a very great doubt with me whether any true parallel of latitude has been run in any part of Symmes's tract, and if one has, all the lines have been run without any attention to the variation; and, without a variety of instruments, it is impossible that the subdivisions should be accurate.

I expect to see Major Ludlow this evening, and will be able by the next post to inform you of those circumstances with more certainty.

I observe that the location near the mouth of the Miami is to be, as well as the villages about Fort Washington, made by a person especially appointed by the President in virtue of a law to be passed within two years after the date of the patent. If no such law was passed nor the appointment made, it would seem that those reservations are gone.

---

[1] Extract of the patent of John C. Symmes and his associates, executed in September, 1794:

"It is hereby declared, that one complete township or tract of land, of six miles square, to be located with the approbation of the Governor, for the time being, of the territory north-west of the River Ohio, and in the manner and within the term of five years, aforesaid, as nearly as may be in the center of the tract of land herein before granted, hath been and is granted, and shall be holden in trust, to and for the sole and exclusive intent and purpose of erecting and establishing therein an academy and other public schools and seminaries of learning, and endowing and supporting the same, and to and for no other use, intent, or purpose whatever."

The law for selling the lands claimed by Judge Symmes under his contract with the Board of Treasury, but beyond the northern boundary of his patent, has given a very great alarm to the people settled thereupon, and they are very numerous. The intention was clearly to secure all those who had written contracts with the judge before a certain day, but there are great numbers sate down under verbal contracts, and on the faith of his assurance that he had never relinquished that contract, and would contest his right under it. From almost all of them he has received money in part payment, which, notwithstanding the law, he positively refuses to return, and from that circumstance many, who are, or at least appear to be, very willing to take the lands on the terms held out to them by the law, are unable to make the just payment at the time required, and are much agitated by the fear of losing the right of pre-emption. There are others, I am informed, who talk plainly of holding their possessions by force of arms, and it has been hinted to me that they are stimulated to it by the judge. Should you think it proper to proceed in that way, there are some respectable men whose depositions can be taken, and indeed I have little doubt of the fact. At the same time, it requires consideration lest a premature step should increase the evil.

GOVERNOR ST. CLAIR TO THE SECRETARY OF WAR.

CINCINNATI, *August* 10*th*, 1799.

Sir:—I had the honor to write to you on the 3d instant. The alarm amongst the inhabitants on account of the Indians has been increasing daily. The twenty miles of frontier of this county has been abandoned, and small forts erected in many places where the people have assembled, with the purpose, as they declare, of defending them, but a very considerable number have retired into Kentucky, and if any thing serious should supervene, a much greater number would follow them. At the same time, the Indians seem no little alarmed at this movement of theirs, being as they pretend themselves in very great fear. Two days ago four of the Shawanese arrived here to give assurance to me that their nation had no ill designs against the white people, but were themselves very apprehensive of the Chickasaws, and had also heard that a great army of whites were on their way to attack them. The Chickasaws, they pretend, are constantly about their towns; though with all their pains they can find none of them. Whether they have any cause to expect a visit from the Chickasaws, or that their fears are affected to cover some other design, I am not yet able to ascertain. At first, I supposed they meant nothing more than to alarm the surveyors and prevent the boundary line from being run, but I am since persuaded that they are either seriously alarmed or have some much more extensive design, for the alarm has extended to all their villages, and at Fort Defiance they were all, men, women, and children, in the fort, and they have carried the information of the hostile intentions of the Chickasaws against them to the English, a copy of which they gave to Captain McLean, the English officer who commands on the north side of the Detroit. It was sent by Colonel Hamtramck, and I have inclosed it.

I thought to send something further to the Shawanese by their agent, who had been sent to reassure the inhabitants, a copy of which I have also inclosed. It is my expectation that the message of the third will draw from them an explicit declaration of their peaceable intentions, and, if it does not, it may be reasonably concluded that their views are averse. No pains will be spared on my part to develop them that I can bestow, and I have instructed Mr. Wells to be particularly attentive to their motions and the conduct of such white men as are amongst them.

I received a letter from Major Craig, dated the 29th of July, informing me that all the Indian stipends had been sent to Detroit, and were probably arrived there at that time, and I suppose are now or soon will be at Fort Wayne, and a favorable change in the Miami, which has lately been very high, will facilitate their transportation. I have written to the commandant about the time of delivery. The meeting of the legislature will, I fear, prevent my attending in person. In that case, I told you that the secretary would go out, but I mentioned the expenses attending it either to him or to me, and you have not been pleased to inform me how it is to be defrayed.

ADDRESS OF GOVERNOR ST. CLAIR TO THE COUNCIL AND HOUSE OF REPRESENTATIVES,[1] SEPTEMBER 25, 1799.

Gentlemen of the Council and House of Representatives:—It is with much pleasure that I meet you now in general assembly, an event that has been looked forward to by the people with some anxiety, and not without reason, having been hitherto governed by laws adopted or made by persons in whose appointments they had no

---

[1] On the day appointed for the meeting of the general assembly there was

---

not a quorum of either body present, and adjournment was had from day to day.

The legislative council organized by the election of Henry Vanderburgh, president, and W. C. Schenck, clerk.

Sept. 23d.—The House of Representatives proceeded to the election of officers. Edward Tiffin was chosen speaker; John Reily, clerk, in place of Charles Killgore, who had been appointed, temporarily, at the first meeting, and declined to serve longer; Abraham Cary, sergeant-at-arms, and James Lowes, door-keeper.

On the same day the following business was transacted:

Messrs. Langham, Smith and Worthington were appointed a committee to prepare rules.

Messrs. Edgar, McMillan, Benham, Darlington and Findley were appointed a Committee on Privileges and Elections.

Messrs. Goforth, Massie and Smith were appointed a standing Committee of Ways and Means.

Ordered—That the residue of the members not appointed to any committee be considered a standing Committee of Claims.

Committees were appointed to consider subjects inviting legislative action as they arose, as the following abstract from the records of the House of Representatives shows:

Thursday, Sept. 26th.—A petition of John Harrison and William Sullivan, praying for an act to establish a town in the Illinois grant, on the banks of the Ohio, above the rapids. Ordered—That said petition be referred to a committee of propositions and grievances, said committee to consist of Messrs. McMillan, Worthington and Darlington.

Committee appointed to draught and prepare a militia law, consisting of Messrs. Massie, Findley and Worthington.

Committee of three appointed to prepare and bring in a bill for defining and regulating elections, consisting of Messrs. Small, Langham and Benham.

Committee of three appointed for preparing and bringing in a bill for opening and regulating highways—Messrs. McMillan, Smith and Darlington.

Committee of three appointed to bring in a bill for the prevention of vice and immorality—Messrs. Findley, Smith and Darlington.

Committee appointed for bringing in a bill for regulating the disposition of estrays, composed of Messrs. Goforth, Ludlow and Edgar.

Committee appointed for regulating the fees of all civil officers, consisting of Messrs. McMillan, Worthington and Darlington.

Committee appointed for the regulating of taverns and other public houses, composed of Messrs. Bond, Pritchard and Cadwell.

Friday, Sept. 27th.—Mr. Goforth, from the committee to whom was referred the petition of the several officers of the late Virginia line praying for toleration to bring their slaves into this Territory, on the military lands between the Little Miami and Scioto rivers, reported that the prayer of the participation, and over whom they had no control. The wish to be withdrawn from under that authority, and that the laws which were to direct their conduct and protect their property should be

---

petitioners was incompatible with the articles of compact contained in the Ordinance of Congress made for the government of this Territory, and, therefore, could not be granted, which report being read—

Resolved, unanimously, That this house doth agree to the same.

A committee of three appointed for regulating marriages, consisting of Messrs. Cadwell, Ludlow and Martin.

Saturday, Sept. 28th.—Another member, Solomon Sibley, from Detroit, appeared and took his seat in the House.

A petition of a number of the citizens of Adams county was presented to the house and read, setting forth the extensive boundaries of the same county, and the probability of its being divided at a future day, and praying that to avoid unnecessary expense in erecting public buildings, which may be rendered useless when a division of the said county takes place, that the town of Manchester, being healthy and pleasantly situated on the banks of the Ohio, and nearly central as to the lower end of the county, may be established as the seat of justice for the said county of Adams.

Ordered—That the said petition be referred to the Committee of Propositions and Grievances.

Tuesday, Oct. 1st.—Mr. Joseph Carpenter was appointed printer to the legislature by the concurrent action of the two houses, and Mr. Abraham Carey was appointed master-at-arms for both houses.

Ordered—a committee to be appointed to bring in bill for levying taxes and regulating revenue. Mr. Smith, Mr. Massie, and Mr. Worthington appointed committee.

Mr. Langham presented a bill to define and regulate elections, which was read the fifth time.

A committee, consisting of Mr. Langham, Mr. Cadwell, and Mr. Darlington, appointed to bring in bill for regulating the courts of judicature, and extending the jurisdiction of magistrates in certain cases.

Wednesday, Oct. 2d.—Mr. Findlay presented a bill for the prevention of vice and immorality, which was read first and second time, and referred to a Committee of the Whole House on Tuesday next.

Thursday, Oct. 3d.—A petition from several of the citizens of the township of Franklin, in the county of Hamilton, was presented to the House, and read, suggesting the oppressive effects of the laws now existing relative to highways and county levies; and also the want of a law to prevent Sabbath-breaking, and the great inconvenience under which they labor, by reason of their remoteness from the seat of justice, and praying relief in the said premises. Ordered that the said petition be referred to the Committee of Propositions and Grievances.

Ordered—that the sergeant-at-arms receive proposals for furnishing the House with firewood, and he lay same before the House.

Mr. Benham and Mr. Smith added to committee for regulating courts of judicature, and extending the jurisdiction of magistrates in certain cases.

made by their own representatives was very natural, and I congratulate them and you, gentlemen, that you are now met for that purpose. It is not improper, however, that I should here remark that, how desirable soever it may be, in the infancy of the colony

---

Mr. Goforth, Mr. Edgar, and Mr. Cadwell appointed a committee for regulating inclosures.

Friday, Oct. 4th.—The style of all laws shall be as follows, to wit: *Be it enacted by the Legislative Council and House of Representatives in General Assembly,* and it is hereby enacted by the authority of the same, that, etc.

Mr. Benham, from the Committee of Privileges and Elections, to whom was referred the petition of Françis Dunlavy (asking for admission as a member), made a report, which was read; whereupon, it was resolved that, in the opinion of the committee, Mr. Isaac Martin was duly elected a representative for the county of Hamilton.

The question was then taken that the whole House do agree with the committee on the said resolution. Yeas, 9; nays, 8.

Saturday, Oct. 5th.—The House proceeded to consider the resolutions on the reports of the Committee on Ways and Means.

The report consisted of a series of resolutions, which were considered *seriatim* and adopted. They provided for levying a tax for Territorial purposes, on lands, houses in towns, marriage licenses, and on judicial writs; for county purposes, a poll-tax, a tax on horses and cattle, above three years old, on stallions, on taverns, on retailing merchandise, and on ferry licenses. Ordered to be embodied in a bill.

Ordered—that a committee of three be appointed to prepare and bring in a bill for the relief of insolvent debtors, and that Messrs. Findlay, Darlington, and Smith be the said committee.

Ordered—that Mr. Small acquaint the council therewith.

Monday, Oct. 7th.—A message from the council, informing the House that they had appointed Mr. Burnet a committee, on the part of the council, to confer with a committee from the House on the most proper mode of certifying the appointment of W. H. Harrison, Esq., to represent this Territory in Congress, and for making a joint communication of it to the Governor.

Messrs, Massie and Sibley were appointed on the part of the House.

Wednesday, Oct. 9th.—A petition from several of the citizens of the township of Chillicothe, in the county of Ross, was presented to the House, and read, praying for leave to make a lottery to raise three thousand dollars for the purpose of erecting a Presbyterian church in that town.

Referred to Committee of Propositions and Grievances.

Thursday, Oct. 10th.—Ordered—that Mr. Massie and Mr. Worthington be appointed a committee to confer with a committee of council to prepare petition to Congress, praying that the representative of this Territory be entitled to the privilege of voting as well as debating in Congress.

[It being found that such a proposition was a violation of the Ordinance, the matter was dropped.]

Wednesday, Oct. 16th.—Three several petitions from a number of the citizens of the county of Hamilton, were presented to the House, and read, it was not practicable, and that the system appointed by Congress was well adapted to the state of society which was to follow, and, necessarily, continue for some time, is full of wisdom and benignity. The laws of all of the States of the Union were laid open before the

---

setting forth the extensive boundary of said county, and praying that the same may be divided into four counties, referred to Messrs. Benham, Smith, Meigs, Massie, and Langham.

Friday, Oct. 18*th.*—Mr. M'Millan, from Committee of Propositions and Grievances, for the removal of the seat of justice of Adams county to Manchester, made report; whereupon,

Resolved, That the town of Manchester be established as the seat of justice for such county.

A petition from citizens of Adams county, praying that the eastern end of the said county be laid off into a separate county, and the seat of justice fixed at Alexandria, at the mouth of Scioto.

Referred to Messrs. Benham, Smith, Meigs, Massie, and Langham.

Friday, Oct. 25*th.*—Mr. Langham presented a bill for the division of the counties of Adams and Washington

Saturday, Oct. 26*th.*—Messrs. Langham and Goforth appointed to bring in a bill making promissory notes negotiable.

Monday, Oct. 28*th.*—Messrs. Massie and Worthington to bring in bill to declare what streams of water which enter the Scioto are navigable.

Resolved, That the Governor appoint an auditor to liquidate the accounts which have and may accrue against the Territory.

Resolved, That such audited certificates shall bear an interest of six per cent., and received for payment of taxes in this Territory, and redeemable at the Territorial Treasury on the 1st of January, one thousand eight hundred and two with gold or silver coin current of the United States.

Resolved, That a Territorial Treasurer be appointed by the Governor.

Wednesday, Oct. 30*th.*—A petition from a number of citizens of the county of Hamilton, praying for a removal of the seat of justice from Cincinnati to Mill Creek, between William Ludlow's and Jacob White's, referred to Messrs. Benham, Smith, Meigs, Massie, and Langham.

Two petitions, one praying for a new county to be laid off in the county of Hamilton, east of the Little Miami, and also one praying that the seat of justice of such new county be at Denham's town.

Resolved, That the removal of the seat of justice from Cincinnati to Mill Creek is unreasonable, and should not be granted.

Friday, Nov. 15*th.*—Messrs. Langham and Smith, appointed to bring in bill on the subject of persons escaping into this Territory from whom labor is claimed by any other persons, and declaring the admission of persons of color by indenture.

Saturday, Nov. 16*th.*—A message from the Governor, by Mr. Smith, his secretary:

"*Mr. Speaker*:—The Governor did yesterday approve and sign the following acts, to wit:

Governor and judges for them to choose from amongst them all such as would best suit the circumstances of the people. It is true, however, that on several occasions they went further, and laws were enacted by them of their own authority. Objections were made, ineffectually, to that manner of proceeding; they are too lengthy

---

"'An act to make promissory notes and inland bills of exchange negotiable.'

"'An act regulating the interest of moneys and fixing the same at six per cent. per annum, and for preventing usury.'

"'An act to establish and regulate ferries.'

"'An act authorizing and regulating arbitrations;' and also 'An act to prevent trespassing by cutting of timber.'"

Monday, Nov. 18th.—A memorial of Thomas Posey, on behalf of himself and several officers and soldiers of the Virginia line, on the continental establishment of the late army of the United States, was presented to the house and read, praying that an act may be passed authorizing persons holding slaves under the laws of the State in which they require that species of property, and removing into this Territory, to bring their slaves with them, under certain restrictions.

A bill to lay off a new county in the north-western division of Hamilton. Yeas, 9; nays, 8. In the affirmative—Messrs. Benham, Bond, Edgar, Goforth, Langham, Massie, Meigs, Small, and Worthington. In the negative—Messrs. Cadwell, Darlington, Fearing, Findlay, Martin, Pritchard, Sibley, and Visgar.

Messrs. Fearing and Edgar appointed to prepare a bill to define the duties of county treasurers.

Tuesday, Nov. 19th.—The speaker laid before the House a letter from the Governor, accompanying the contract between the Board of Treasury and the Directors of the Ohio Company. A copy of the patent to them from the President of the United States. An extract from the records of the Ohio Company, and certain extracts from the journals of Congress.

The House resolved itself into Committee on the Memorial of Thomas Posey, and, after some time spent thereon, it was referred to a committee of three, to report by bill or otherwise.

Tuesday, Nov. 26th.—Laid before the House a letter from the Governor, with a statement of moneys received and the appropriations thereof in the Territorial treasury. Mr. Langham and Mr. Goforth appointed to inquire into the state of the Territorial treasury.

Wednesday, Nov. 27th.—Mr. Findlay laid before the House a resolution on the subject of industry and frugality, the encouragement of home manufactures, and retrenching unnecessary expenses. Upon being read a first, second, and third time, it was adopted by the House, as follows:

Whereas, The present situation of the Territory requires of her citizens every lawful exertion in their individual capacity to promote her interest and extend her general importance, which can only be effected by a prudent management of domestic concerns, by a strict attention to industry and to be repeated here, and are to be found in my correspondence with the judges, on record with the secretary, copies of which, if desired, shall be laid before the houses. The reasons that induced me to give way to it against a very clear conviction of its impropriety it

---

frugality, by discountenancing idleness and dissipation, by encouraging home manufactures, and by retrenching unnecessary expenses; therefore,

Resolved, That this House appoint a committee to prepare an address to the good people of this Territory, recommending strict attention to the before mentioned objects.

Mr. Langham, from the committee appointed for that purpose, presented, according to order, a bill to fix the terms of the courts of common pleas and for other purposes, which was read twice, and ordered to be committed to a committee of the whole House on Monday next.

Tuesday, Dec. 3d.—A bill authorizing Mr. Carey to raise a sum of money by way of lottery was negatived.

Appointments, Dec. 18th.—His Excellency the Governor, has been pleased to appoint Rice Bullock, Esq., Auditor of Public Accounts for the Territory of the United States north-west of the Ohio.[1]

---

(1) ACTS PASSED BY THE LEGISLATURE OF THE TERRITORY, FIRST SESSION, 1799.

1. To confirm and give force to certain laws enacted by the Governor and judges of the Territory.
2. Providing for the service and return of process in certain cases.
3. Regulating the admission and practice of attorneys and counselors at law.
4. Regulating inclosures.
5. Authorizing and regulating arbitrations.
6. Regulating the interest of money, and fixing the same at six per cent. per annum, and for preventing usury.
7. To establish and regulate ferries.
8. To prevent trespassing by cutting of timber.
9. Making promissory notes and inland bills of exchange negotiable.
10. To regulate grist mills and millers.
11. Establishing courts for the trial of small causes.
12. Providing for the appointment of constables.
13. To regulate the disposition of water-crafts of certain descriptions found gone or going adrift, and of stray animals.
14. For the prevention of vice and immorality.
15. To create the offices of Territorial Treasurer and Auditor of Public Accounts.
16. Defining and regulating privileges.
17. To ascertain the number of free male inhabitants of the age of twenty-one in the Territory of the United States north-west of the River Ohio, and to regulate the elections of representatives for the same.
18. Regulating the firing of woods, prairies, and other lands.
19. To prevent the introduction of spirituous liquors into certain Indian towns.
20. Establishing and regulating the militia.
21. For opening and regulating public roads and highways.
22. For the relief of poor persons imprisoned for debt.
23. For allowing compensation to the members of the House of Representatives, who attended to put in nomination the members of the Legislative Council, and for defraying the incidental expenses accrued thereon.
24. To alter the boundary line between the counties of Jefferson and Washington.
25. For the punishment ot arson.
26. Supplemental to the act entitled, "An act to prevent trespassing by cutting of timber."

is not necessary now to relate; but it is proper that I should observe to you, gentlemen, that the laws so made are of very doubtful obligation and have been so spoken of from the bench, and that in that class will be found nearly all the laws we have which relate to crimes and punishments, the militia and to taxation. You will readily perceive that these will claim an immediate revision, and that they be either repealed and others substituted in their place, or be confirmed by a general law to give them force.

Amongst the various subjects that will come under your deliberations, that of revenue stands very forward. The means of providing it may, perhaps, be considered, gentlemen of the House of Representatives, as falling properly within your province, but it is to be observed that there is nothing in the Ordinance for the government of the Territory which excludes the Council from a share in the formation or amending any bill, of what nature soever it may be, and the business of revenue will require the united wisdom of both houses to devise the means whereby it may be adequate, and, at the same time, as little burdensome to the people as possible. No law now exists which has revenue directly for its object, except one adopted from the code of Kentucky at the last session of the legislature, for subjecting unimproved lands to taxation. As Kentucky was not a State when this government was erected, the validity of the law is very questionable, and the measures directed to be taken when the assessed taxes are not paid in the usual way and time, are not very intelligible. It is very desirable that all laws should, as much as possible, be free from obscurity, but in those that relate to taxation and revenue the utmost clearness and pre-

---

27. Allowing and regulating prison bounds.
28. To regulate the inclosing and cultivating of common fields.
29. Repealing certain laws and parts of laws.
30. For allowing compensation to the members of the Legislative Council and House of Representatives of the Territory of the United States north-west of the River Ohio, and to the officers of both houses.
31. Levying a Territorial tax on land.
32. For the appointment of county treasurers.
33. To encourage the killing of wolves.
34. Supplementary to the act entitled, "A law for the relief of the poor."
35. For allowing compensation to the Attorney-General of the Territory and to the persons prosecuting the pleas in behalf of the Territory in the several counties.
36. Appropriating moneys for the payment of the debts due from this Territory, and making appropriation for the ensuing year.
37. Regulating the fees of the constables in the several counties within this Territory.
38. To regulate county levies.
39. Authorizing the inhabitants of the fractional townships on which the town of Marietta is situated to lay and require a rent or tax from the occupiers of the fractional section numbered twenty-nine, for the year one thousand eight hundred.

cision is essential, because there is always a disposition particularly to elude the operation of those laws.

An effectual system for the government of the militia, for rendering it respectable, and enabling the community to derive from it that protection and defense which is always contemplated to result from it, is of great importance, particularly by reason of our extensive frontier, bounded by savage nations. Fond of war as they are from custom and the habits of savage life, it is reasonable to expect we shall be sometimes embroiled with them; the militia should, therefore, be so organized as to be able promptly to repel any occasional incursion, and to carry war into their country in case it should be necessary. At the same time, gentlemen, you will see the propriety of laws conformable to the public treaties of the nation for protecting them in their stipulated rights, for rendering redress in cases of injury and wrong easy and sure, and for securing to them, in their intercourse with us, a humane, a just, and generous treatment. By such means, animosities will be worn out on both sides, and many of the causes and incentives to war obviated. It has been heretofore a great reproach to those who lived with them, that they communicated to them the vices only of a civilized life. It is to be hoped we shall wipe away that reproach, and that, by our conduct to them and to each other, they may be led to observe the advantages that flow from regular society, to embrace it, and with it the holy religion we profess, which inculcates all its duties.

The benefits that result from early education, and due instruction in the principles of religion are of immense value to every country, and are so obvious that an attention to them for the rising generation should be pressed upon you. In this country a very generous provision has been made for them by Congress, but has not yet come into operation. Certain sections or lots of land have been reserved and set apart for the endowing of schools and the maintenance of public worship. They are, however, only set apart for those purposes, and the fee of the soil, as well as the possession, is still in the United States. It will be proper that a respectful representation be made to Congress, praying that they may be vested in trustees in such manner as may appear to you most consistent with the design that the community may, without delay, avail themselves of their benevolent intentions.

To the lots for the maintenance of schools, another very liberal provision, in the same spirit, has been added, but from which no advantage has yet derived to the people, neither, from circumstances, can any advantage flow from it for some time to come. A complete township, or tract of land of six miles square, to be located with the approbation of the government of the Territory for the time being, as nearly in the center of the tract of land granted by the President of the United States, on the 30th day of September, in the year 1794, to John Cleves Symmes and his associates, and within the term of five years from that date, has been excepted out of the said tract, and granted to them "in trust to and for the sole and exclusive intent and purpose of erecting and establishing therein an academy, and other public schools and seminaries of learning, and for endowing and supporting the same, and for no other intent or purpose whatsoever." From thence it became the duty of those persons to lay out the township, which has not been done; but an attempt to do something towards it, or in lieu of it, was made by Judge Symmes on the 24th day of July, 1798. He made an offer, in writing, of the second township in the second fractional range of townships in the before-mentioned tract of land, and requested that it might be "approved of and proclaimed as the proper township for the purpose of endowing an academy." It appeared to me improper that that township should be approved, because it no way answered the description of the one granted in trust by his patent, and because I had certain information that claims lay to a considerable part of it, and that a suit in the chancery court of the United States to compel a conveyance was actually depending.

The utmost limit of the time allowed to Mr. Symmes and his associates for setting out that township is at hand, and Mr. Symmes has informed me verbally that he has not an entire township in his possession, except the one which has been refused; it will, of course, gentlemen, be proper for you to consider of the measures to be taken, in order that the public may not be defeated in this very generous concession.

The Ordinance for the government of the Territory provides that, so soon as a legislature shall be formed in the district, the council and House of Representatives, assembled in one room, shall have authority, by joint ballot, to elect a delegate to Congress, with a right of debating but not of voting during this temporary government. This is, gentlemen, a right of no small consequence, for there are many matters of considerable importance to the people that must come before and be decided on by Congress, and can only advantageously be brought forward and managed by their delegate, who, if the choice falls (as it certainly will) upon a proper person, although he will have no vote, he will not be without influence, and, for the information that may be necessary to the members unacquainted with our circumstances, will naturally be resorted to; and he will have an equal right with the members of the States that compose the Union to propose for their consideration any law that may appear to be useful to the nation or to the Territory. To the election of the delegate, you will be pleased to attend at such time as may appear to you most proper.

Laws to regulate the election of members of the legislature are wanting; hitherto, the mode of electing them has been prescribed by the Governor, and in such manner as appeared least exceptionable. It is hoped it may meet with your approbation.

The statute laws of England that were in force in the American colonies of a later date than the 4th year of King James the First, have not been adopted here, whereby the people are deprived of many excellent regulations in use in the United States, and particularly of the celebrated writ of habeas corpus, which was not brought into practice until the reign of Charles the Second, and is justly considered as the best security against illegal and oppressive imprisonings that was ever invented. It may be proper that all of them, down to the time of the Revolution, which are not inconsistent with the principles then embraced, should be declared to be laws in the Territory.

Much inconvenience has been experienced from the want of sufficient jails in the several counties. The people in many of them have been saddled with the payment of large sums of money in consequence of the escapes of prisoners under execution, and the public vindication of justice of the county has been often eluded. As the law now stands, the sheriffs are not answerable for the escapes of prisoners, and while they have either no jails, or such as are not sufficiently secure, it is unreasonable that they should be answerable. But, as the law which exonerates them may lead to negligence in them and their under-officers, it would be proper to repeal it, and to pass laws to compel the inhabitants of every county to erect proper jails and convenient court-houses.

Considerable difficulties have arisen, and much injury to the morals and to the discipline of the troops of the United States, has resulted from the want of a law to prevent the sale of spirituous liquors to the soldiery, by persons licensed to vend them by small measure; it ought to be prevented entirely, and severe penalties inflicted on every person purchasing from the soldiers, or exchanging with them any part of their clothing, arms and accouterments, or any public property which may be occasionally in their care.

It has been the practice of some of the counties to make the authority of every constable co-extensive with the counties, and a heavy mileage for the service of process has been allowed them, to the great oppression of the more indigent part of the community, and defeating entirely the intention of subjecting small demands to summary decisions. Constables ought to be confined to a particular precinct, beyond which they should have no authority; and the subdivisions of the counties, commonly called townships, should form those precincts, and ought not to be more extended than that a person could travel conveniently from end to end of them in the course of a day.

The necessity of many local regulations suited to particular places, must result from the great extent of the Territory; these will be suggested by the members, who, coming from every part of it, are best acquainted with what they particularly require.

One more subject had like to have escaped me. I recommend it to you to fix the rate of interest of money, and to prevent, if it can be prevented, the practice of usury, which has already got footing amongst us.

A large field of business has been opened to you, gentlemen, and it will call for a patient, but I hope not a painful exercise of your faculties, and it may be added to in the course of your session, by occasional messages. The providing for, and the regulating the lives and morals of the present and of the rising generations, for the repression of vice and immorality, and for the protection of innocence and virtue, for the security of property and the punishment of crimes, is a sublime employment; every aid in my power will be most willingly afforded, and I hope we shall bear in mind that the character and manners of a people, and their happiness, both here and hereafter, depend very much upon the spirit and genius of their laws.

REPLY OF COUNCIL TO THE GOVERNOR.

September 28, 1799.

Sir:—The legislative council participate with your Excellency in the pleasure arising from a view of the beneficial change which has just taken place in the administration of our temporary Government. While we regret that circumstances rendered it necessary for us to continue so long under its first stage, we most heartily concur in opinion with your Excellency that the system appointed by Congress was well adapted to the state of society which was necessarily to follow, and that it was full of wisdom and benignity, and we most cordially embrace this first opportunity of testifying our gratitude to the Federal Government for the paternal care which they have exercised over the colony.

The many and important services which have been rendered our Territory and the United States at large by your Excellency for a series of years; and the virtue, integrity and talents which those services have displayed, afford the strongest proof that your public acts have been founded in wisdom, and dictated by the purest desire of promoting the happiness of the people. We, therefore, conclude that the circumstances which induced your Excellency to give way to the innovation which was formerly made on the Ordinance by enacting instead of adopting laws, were fully sufficient to justify the measure; those laws being considered of doubtful obligation, shall receive the attention of the council.

The promotion of morality, the suppression of vice, and the encouragement of literature and religion, deeply involve the prosperity and happiness of every country; but, in republican governments, which are supported by public opinion, they are of peculiar importance; the views of the people must be honest, and their understandings enlightened, or we shall hold our liberties by a very uncertain tenure. Impressed with these sentiments, we need scarcely assure your Excellency that the council will loose no opportunity of advancing these most important objects.

We perceive that a large field of business has been opened to our view which will call for a patient, if not a painful, exercise of our faculties; but we will commence the task, though with the greatest diffidence, relying on the aid which you have been pleased to promise us. In the course of the session the many important matters contained in the communication made by your Excellency to both houses of the legislature shall receive our most mature and deliberate consideration.

H. VANDERBURGH, President *Pro Tem.*

THE GOVERNOR'S RESPONSE.

Gentlemen:—I pray you to accept my acknowledgments for this very obliging answer, which you have been pleased to make to my communications on the opening of the session.

Guided by a sincere desire to promote the welfare of the people, my administration has been uniformly directed to that end, and the recognition by the council that it has not been entirely missed, is extremely grateful. Deeply impressed with the persuasion that in the practice of religion and morality the best interests of every people are involved, and of the extensive advantages of literature; the contemplation that the first have already taken root in the Territory, and that the means of procuring the other will soon be put in train, and both of them be fostered by the legislative council and the House of Representatives, must be verily pleasing to every reflecting mind. And unless the people be honest and enlightened, their liberties will not only be held by an uncertain tenure, but though they should possess all the advantages that flow from them, they can not be enjoyed.

I could have wished, gentlemen, that less business could have been laid before you at this first meeting, but the greatest part of it could not be postponed, and though it may appear a task, it will lessen on a nearer view, and the deliberate consideration you promise to give it, for which I return you my thanks, will render it easy.

REPLY OF THE HOUSE OF REPRESENTATIVES.[1]

Sir:—It is a principal ingredient in the composition of national happiness that the people can place full confidence in their first magistrate, a confidence confirmed to them from their knowledge of his uniform endeavors to promote their national prosperity.

As the representatives of the people of this Territory, we thank your Excellency for that display of benevolence manifested towards them and their interests in your address to both the branches of the legislature, and rejoice that the uniform tenor of your administration affords ample ground for our unbounded confidence therein.

It is with real pleasure that the House of Representatives join with your Excellency their mutual congratulations to the citizens of this Territory on that accession of privilege, so ardently wished for, which places the power of legislating in men of their own choice; for, however just your Excellency's observation is with respect to the system of government under which this Territory has been governed, it was impossible that laws adapted to the local circumstances of an advanced stage of government could accord with our infantile situation and peculiar exigencies.

---

[1] *Resolved,* That Mr. Speaker, preceded by the Sergeant-at-Arms, and attended by the House, do present the said address, and that Messrs. Small and Langham be a committee to wait on his Excellency, to know where and when it will be convenient for him to receive the same. Messrs. Small and Langham returned and reported that, according to orders, they had waited on his Excellency, who signified to them that it would be convenient for him to receive the said address at twelve o'clock to-morrow, in his own chamber.—*From Proceedings of the House of Representatives, Monday, September 30th.*

We are sensible, sir, that, at this stage of government, subjects of legislation are numerous, and that among the great variety that may be presented, the subject of revenue stands foremost, and calls for instant and attentive consideration; and as a well-regulated militia is, and ought ever to be, regarded as the protection and defense of the community, we assure your Excellency that no endeavors on our part shall be wanting to make it both respectable and efficient.

With much satisfaction we recognize your Excellency's observations on the benefits resulting from an early education, and due instruction in the principles of science and religion, which we know are of immense value to every country and in every clime; where they are suitably inculcated they naturally produce a sincere and disinterested love of truth and virtue. They expand the human mind by removing its ignorance and eradicating its prejudices, inspiring it, at the same time, with the sublimest ideas of the great original cause, and promoting a pure knowledge of and acquiescence in the duties and blessings of a civilized life. We, sir, conceive the subject to be so very interesting and important to the rising generation of this country, that it would, in us, be a want of duty to let it pass this session with inattention or indifference, more especially from the consideration of the very generous provision which Congress has made in different parts of the Territory, and from which, we believe, the public has not, in any instance, yet derived advantage

We shall, sir, attend to the mode pointed out by your Excellency for effectually securing the fee and occupancy of the lands reserved by Congress for the use of this Territory, so that the community may, without delay, avail themselves of their benevolent intentions.

We thank you, sir, for the circumstantial account you have given us of the College township in the Miami grant, and, while we express our obligation to the General Government, we pledge ourselves to your Excellency, to our constituents, and to posterity, that we will use the utmost of our endeavors to have justice done in this particular case, as well as to make such appropriations of lands reserved for the use of the Territory as may appear most prudent and advisable.

To the election of a delegate to Congress we shall attend in due time, as well as to draft a law to regulate the future election of members of the Legislature.

We, sir, are fully sensible of the benefits accruing to the citizens of the Union from their having incorporated with the body of the laws of their respective States the statute laws of Great Britain, which are of a general nature, down to the period of the Revolution. Among the useful regulations resulting from them, none are more beneficial than the habeas corpus act, passed in the reign of Charles the Second.

These, sir, with every other subject which you have communicated for our deliberation, we form a thorough sense of their importance and propriety, and will make the objects of our early attention. Extensive, sir, as the field of business is which now demands our labor, yet, should circumstances render it necessary that the same should be enlarged, it becomes our duty, with patience and alacrity, to exercise our faculties for the real advantages of the people who have intrusted it to our care.

Impressed with the clearest belief, founded on experience and supported by history, that the spirit and genius of the laws form the characters and manners of the people, we, relying, therefore, on the assistance your Excellency has offered, shall withpromptitude co-operate with you in promoting the cause of morality, in the protection of innocence and virtue, in the security of property, and in the prevention of crimes, by mild and equitable laws, calculated to bring offenders to speedy and exemplary punishment.

EDWARD TIFFIN,
Speaker of the House of Representatives.

SEPT. 30*th*, 1799.

RESPONSE OF THE GOVERNOR TO THE REPLY OF THE HOUSE OF REPRESENTATIVES.[1]

Gentlemen:—The very obliging answer you have now made to my communications on the opening of the session demands very warm acknowledgments. To enjoy the confidence of the people, and to meet with the declaration of it from their representatives, gives rise to feelings which are not easy to be expressed. They are, indeed, very pleasing. It has always been my ardent wish, by every proper means within my reach, to promote their welfare and prosperity; and I dare venture to assure you, that while I have the honor to administer the government, the desire will not be weakened, neither will the endeavor to accomplish it be relaxed.

---

[1] The speaker, preceded by the sergeant-at-arms, and attended by the House, withdrew to the chamber of his Excellency, and there presented him the address of this House, in answer to his speech to both Houses, to which his Excellency made the following reply.—*From Proceedings of the House of Representatives, Oct. 1st.*

I very thankfully receive, gentlemen, your assurances that the business laid before you will be attended to with patience and alacrity; and I am fully persuaded that no endeavors will be wanting on your part to procure for the people all the advantages that flow from good laws, calculated to repress vice, to protect innocence, and to render civil and personal liberty and prosperity secure—advantages which if diligently and wisely improved, will render the people prosperous and happy.

GOVERNOR ST. CLAIR TO CAPTAIN SEDGWICK, COMMANDING AT FORT MIAMI.

CINCINNATI, *Oct. 6th*, 1799.

Sir:—I wrote to you yesterday that the Indians had declined receiving their goods this fall, and that it would, therefore, be unnecessary for you to remain at Fort Miami longer than until they, together with the provisions, were removed, which has been directed to be done. I am since, very fortunately, well informed it was all a mistake, and that, though they would not all be there, much the greatest part of the nations would attend.

It was expected, and it was my intention, to have gone to meet the Indians at the time they received their presents. The meeting of the legislature put that out of my power, and they were informed that the secretary would go in my place and see their stipends distributed. He is ill, and can not go, and there is no person here whom I can send for that purpose. I am, therefore, under the necessity of requesting you, sir, to take that trouble on yourself. It is, no doubt, not your immediate duty, but I have that confidence in the gentlemen of the American army to believe there is not one of them who would not willingly take some trouble to give satisfaction to the people with whom the nation wishes to be at peace, and to obviate any inconveniences arising from unforeseen disappointments, as in the present instance; and you will be sensible that it is important that the presents should be delivered with at least so much solemnity as to impress the savages with the opinion that they are honestly dealt with. I have written to Mr. Baggs, in whom they have much confinence, to give you his assistance, and the invoices you will find inclosed. The goods are put up in separate packages, and marked with the name of the nation they are designed for. When the packages are opened, the articles can be compared with the invoices in the presence of the chiefs of the nations for which they are directed. Formal certificates of the delivery are required. The instructions of the Secretary of War on that subject, are in these words: "It is to be understood that certificates of the delivery of the stipends are to be transmitted to this office, signed by the person appointed to attend to the delivery, and by one or more of the officers of the garrison at which the delivery is made." You will be pleased, sir, to attend to this circumstance, sign duplicate certificates of the delivery made by you to each nation, and let them be countersigned by one or two of the more respectable persons who may be at the place, and send one of each to the War Office, and the duplicates to me. Considerable trouble will attend this business I have requested you to undertake. It will be acceptable to the Government, and no doubt a suitable compensation will be made.

The letters for Colonel Strong and Mr. Earnest, or the agent of the quartermaster at your post, which were sent by the express yesterday, should they come to your hands, you will be pleased not to forward to either of them, but send back to me.

GOVERNOR ST. CLAIR TO CAPTAIN SEDGWICK.

CINCINNATI, *October* 13*th*, 1799.

Sir:—I wrote to you on the 6th instant, by express, and requested the favor of you to take the trouble to direct the distribution of the stipendiary goods to the Indians at Fort Miami. It was not without considerable reluctance that I took that liberty.

The meeting of the legislature rendered it impossible for me to go, as had been intended if they had arrived earlier, and the secretary having been taken sick, and, besides, appointed to represent the Territory in Congress, he could not go, and I had no person here that could be depended on, or that would have been sufficiently respectable to send out, so that it became a matter of necessity that I should request it of you. By to-morrow's post I shall inform the Secretary of War.

The Miamis and Wabash Indians will not attend at Fort Miami, and have requested that their goods may be sent to Fort Wayne, and kept for them until next May. To this I have consented, not from choice, but because it could not be avoided, for they had been at Fort Wayne some time ago to receive them, and are returned to make their fall hunt. Whether they can be sent up the Miami at this time I can not judge here, but if they can not, they must be taken back to Detroit, and forwarded from there at a suitable time. I have written to Mr. Earnest on the subject, and I beg the favor that you will forward the letter to him.

P. S. The agent at Fort Wayne informs me that the Pottawatomies will not go to Fort Wayne this fall, but I believe he is mistaken. Should they not appear, their goods, likewise, must go to Fort Wayne.

GOVERNOR ST. CLAIR TO THE SECRETARY OF WAR.

October 14th, 1799.

Sir:—I had expected to have given you the trouble of perusing a pretty long letter by this post. It would have contained the issue of a conference with Blue Jacket and another chief of the Shawanese, in truth, little important in itself, which lasted some days, and another with the Wyandots, a number of whom are here from Detroit. They have kept me very late to-day, and their conference is not over, and must, of course, be postponed, but the inclosed extract of a letter to Mr. Sibley, a member of the legislature, which he gave me this afternoon, I thought ought not to be delayed, especially as I think the Indian affairs are in a critical situation. I can not give instances which would justify the opinion, but I do believe they are seeking an occasion to break with the United States.

GOVERNOR ST. CLAIR TO CAPTAIN SEDGWICK.

CINCINNATI, *October* 15, 1799.

Sir:—On the 13th instant, I had the honor to write to you again by express, but, as some little mistake was committed by him in trusting the letter to a private hand going to Fort Wayne, it is possible it may not reach you as soon as this, which is sent by a man of the contractor's, who goes direct to Fort Miami. I now give you a copy of it.

[Letter of October 13th follows, with this P. S. added:]

To that letter, sir, I have very little to add, but to inform you that I have learned the Indians about Laguena have taken it into their heads that they have been called together at Fort Miami for the purpose of cutting them all off at a stroke. I depend, sir, on your prudence and good sense to make them sensible that Fort Miami was open for the sole purpose of making the delivery of the goods as convenient to them all as it was possible, the lowness of the waters preventing their being carried to Fort Wayne, where it had been agreed that they should be distributed.

It will be necessary, sir, that you prevent any and all of the traders from bringing spirituous liquors to Fort Miami, and if any has been brought, to store it until the delivery is over and the Indians gone; otherwise, you will not only have a great deal of trouble with them, but they will be stripped of every thing they receive, and, of course, go off discontented. I shall be happy to hear from you.

Governor St. Clair to the House of Representatives.

Cincinnati, *October* 16, 1799.

Gentlemen:—In compliance with the request made by you yesterday, that I would furnish you with all the information respecting the township reserved out of the grant of land made by the United States to John Cleves Symmes and his associates for the purpose of erecting an academy therein, which I was in possession of, I have made the following statement:

By an act of Congress, entitled "An act for ascertaining the bounds of a tract of land purchased by J. C. Symmes and his associates, passed on the 12th of April, 1792," the President was empowered to alter the contract made between the late board of treasury and the said J. C. Symmes for the sale of a million of acres, in such manner that the tract might extend from the mouth of the Great Miami to the mouth of the Little Miami, and be bounded by the Ohio on the south, and by a parallel of latitude extending from the Great to the Little Miami, so as to comprehend the proposed quantity.

By another act of Congress, entitled "An act authorizing the grant and conveyance of certain lands to J. C. Symmes and his associates, passed the 5th of May, 1792," the President was empowered to issue letters patent to the said J. C. Symmes and his associates, thereby conveying to them and their heirs and assigns such number of acres of land as the payments then made by him, his agents, or associates, would pay for, estimating the lands at two-thirds of a dollar per acre, and making the reservations specified in the said contract.

The third section of that act further empowers the President, by letters patent, to convey to the said J. C. Symmes and his associates, their heirs and assigns, in trust, for the purpose of establishing an academy and other public schools and seminaries of learning, one complete township, conformably to an order of Congress of the 2d of October, 1787, made in consequence of the application of the said J. C. Symmes for the purchase of the tract aforesaid; and by the fourth section it is enacted that the several quantities of land to be granted and conveyed as aforesaid should be included and located within such limits and lines of boundary as the President might judge expedient.

On the 30th of October, 1794, letters patent were made by the President to J. C. Symmes and his associates, granting and conveying to them, in pursuance of the above act, a certain tract of land, beginning at the mouth of the Great Miami River, and extending along the Ohio River to the mouth of the Little Miami River, and on the north by a parallel of latitude to be run from the said Great Miami to the Little Miami, so as to comprehend three hundred and eleven thousand six hundred and eighty-two acres, out of which were excepted lots number 16 and number 29, for the purposes of education and religion; and the lots numbers 8, 11, and 26, for the purposes which the Congress thereafter might direct out of each township in the same (and provision was made that the tract should be laid out into townships of six miles square), and fifteen acres, including Fort Washington. By the same letters patent, it is declared that one complete township of six miles square, to be located with the approbation of the Governor of the Territory, for the time being, and in the manner and within the term of five years, as nearly as may be in the center of the tract before granted, hath been and is granted, and shall be holden on trust, to and for the sale of and exclusive intent and purpose of erecting and establishing therein an academy and other public schools and seminaries of learning, and endowing and supporting the same, and to and for no other use, intent, or purpose whatever.

Many applications respecting this township so granted for an academy were made to me by the people of the county of Hamilton, but, as I had then never seen the patent to Mr. Symmes and his associates, and did not know that the approbation of the Governor of the location that might be made by them was required, it was replied that I could do nothing in it, and saw no course to be taken, if they had broken the trust, but an application to Congress; at length, a gentleman informed me that he had seen the patent, and the Governor's approbation of the location was expressly required. I then called upon Mr. Symmes and requested him to allow me to peruse his patent, with which he readily complied. I found it to be, with respect to that township, as it had been represented, and a copy of it has since been transmitted to me by the Secretary of State. Mr. Symmes then informed me of the application which had been made to me, and the necessity of laying out the township, on which he spoke of the second township in the second fractional range of townships. Occasional conversations passed between us on the subject several times afterwards, and on the 24th July, 1798, Mr. Symmes wrote a letter to me, which I send herewith, making a formal offer of the township for my approbation. In conversation, soon afterwards, I stated to him the objections I had to that township, and the matter rested a considerable time, I, supposing the objections I had made would be considered by him as a refusal to approve; but, the matter being brought to my view again, hearing of no new location, and reflecting that the offer had been made in writing, and might possibly be considered such a location as the patent required, and that the refusal had been only verbal conversation, which might easily be forgotten, and could not be made to appear, on the 19th of last July, I wrote a letter to Mr. Symmes, from which the following is an extract: "I have never, sir, formally replied to your letter of the 24th of July last, wherein you proposed the second township in the second fractional range of townships in the lands granted to you by patent on the 30th September, 1794, should be excepted to satisfy the declaration in said patent, that one complete township, or tract of land of six miles square, to be located with the approbation of the Governor of the Territory for the time being, as nearly as might be in the center of the tract thereinbefore granted, to be held in trust by you and your associates, to and for the sole and exclusive purpose of erecting and establishing an academy and other public schools and seminaries of learning, and endowing and supporting the same, was excepted out of the said grant; and you requested that the township then proposed should be approved by me and proclaimed as the proper township for the purpose of endowing an academy in the Miami purchase. I say, sir, to that proposal I have never formally replied; but, you will please to recollect, sir, that, before you sent me the above letter, and after I had received it, you informed me, in conversation, that it was the only complete township that remained in your possession, and, of course, you could assign no other for the academy; that I mentioned my doubts that you could not assign that one either, for I had been informed that one-half of it had been sold to Mr. Boudinot, and the deed for it, from you to him, was upon record here, and other parts of it were claimed by other persons; that you observed it was not a deed of sale to Mr. Boudinot which you had made, but a conditional contract, and that the contract not having been fulfilled on his part, the obligation ceased upon yours, and you had a right to dispose of it as you thought proper. To that it was replied that, supposing the case to be so, still I could not think myself justifiable in approving of the proposed location, since, however it might terminate, a lawsuit was unavoidable; and, also, that it did not, in any way, correspond with the situation pointed out, to wit: as nearly in the center of the tract as may be. On that we parted, after your again requesting me to view the proposed township, and examine its natural advantages. I have not, sir, examined the township, because I have been informed by every person I have conversed with on the subject, and I have conversed with a great many on it, that a very small part of it is fit for cultivation, and I have since learned that a suit in chancery has been commenced by Mr. Boudinot to compel you to make a deed for that part of it conditionally sold. As all this conversation may, however, be forgotten, and the offer, or location, as it may, perhaps, be called, of the second township in the second fractional range of townships therein to establish an academy, etc., has been made in writing in the before-mentioned letter of the 24th of July, 1798, it is proper that the approbation or disapprobation of the same should be in writing also. I request you, therefore, sir, to take notice that, for the reasons above mentioned, to wit: that the title to a part of it, at least, is in dispute; that it does not answer to the situation called for in the patent; and, that, according to information, it is of very mean quality, which, if true, would defeat the purpose for which it was granted; the location of the second township in the second fractional range of townships, for the purpose of erecting therein an academy and other schools, and for endowing and supporting the same, is not approved, and can not by me be declared to be the lot granted by you in trust for those purposes, and I must request you, sir, as soon as may be, to point out another township free from those objections."

To that letter I have not received an answer.

The applications which Mr. Symmes made to Congress for a township for an academy, a copy of which I have lately seen, points out the place contemplated by him, with more precision than the patent does. The request is that it may be granted as nearly in the center of the tract and opposite to the mouth of Licking as may be, where the soil and situation in other respects may be suitable. (I do not give the very words, because I did not take a copy), and it would seem that a certain township answering that description had been somehow pointed out at an early day, for there is one answering the description in all respects that, to this day, is distinguished by the name of the College township.

The sale to Mr. Boudinot, before spoken of, is contained in certain articles of agreement entered into between Mr. Symmes and him on the 12th day of March, 1788, and recorded in book No. 2, letter B, page 107, of the records of the County of Hamilton, which, after a recital setting forth that Mr. Symmes had contracted with Congress for a large tract of land between the Little and Great Miamis, proceeds, after another recital, in these words: "And, whereas, the said John Cleves Symmes intends to and purposes to reserve to himself in the said purchase, in his private right, one certain township in the fork of the Ohio and Great Miami, and the fractional parts of those townships and sections which lie between such township and the Ohio and Great Miami, on which he hath laid out a plan of a city on paper, etc.," and then goes on after that description: "And, whereas, the said Elias is desirous of becoming jointly and equally interested in the said township, sections and fractions with the said John Cleves Symmes, and in the said city, and reserved lands, in case he shall obtain a deed for the same from Congress. Now, these presents witness that the said J. C. Symmes, for and in consideration of the sum of one hundred pounds, lawful money of the State of New Jersey, to him in hand well and truly paid, and also of the sum of one hundred pounds more to be taken by the said J. C. Symmes out of the first share of the sales he may make of other properties, so to be sold in common between them, belonging to the said Elias, hath agreed to sell, transfer and confirm; by these presents doth engage to sell, transfer, convey and confirm, unto the said Elias Boudinot, his heirs and assigns forever, whenever and as soon as the said J. C. Symmes shall obtain a deed thereof from Congress, the one equal and undivided moiety, or half part of all and singular the said township, sections and fractions of sections, and reserved lands, as aforesaid, elected and taken by the said J. C. Symmes in the forks of the said rivers as aforesaid, subject to certain regulations and additions which are there set forth." It is alleged that the township which Mr. Symmes has offered in lieu of that in the center of his tract, granted to him in trust for an academy, is one of those mentioned in the aforesaid articles of agreement.

This, gentlemen, is all the information I can give you respecting the College township; had I possessed more or better, it would have been freely communicated.

GOVERNOR ST. CLAIR TO THE LEGISLATIVE COUNCIL.

CINCINNATI, *October* 19*th*, 1799.

Gentlemen of the Legislative Council:—In compliance with your request that I would give you such information as I was in possession of respecting lands that had been granted or reserved by the Congress of the United States to the Territory for public purposes, made through your committee, yesterday, I have the honor to observe:

That the Ordinance of Congress of the 20th of May, 1785, directs that the lands in the North-western Territory which have been purchased of the Indian inhabitants, shall be laid out into ranges of townships of six miles square, and fractional parts of townships, by lines running due north and south, and others crossing them at right angles. The townships, or fractional parts of townships, to be designated by numbers progressively from south to north, and so soon as seven ranges of townships shall be surveyed, the Board of Treasury shall cause the same to be sold at public vendue. But the lots numbered eight, eleven, twenty-six and twenty-nine, out of every township, and out of every fractional part of a township so many lots of the same numbers as shall be found in them, are excepted from the sale so ordered, and reserved by the United States for future sale. The lot number sixteen of every township is also excepted out of the order of sale and reserved for the maintenance of public schools within the said townships.

By the powers given by Congress to the Board of Treasury, on the 23d July, 1787, to contract for the sale of western lands, it is declared that the lot No. 16, in each township or fractional part of a township, is to be given perpetually for the purposes of religion. The lots Nos. 8, 11, and 26, in each township or fractional part of a township, to be reserved for the future disposition of Congress. Not more than two complete townships to be given perpetually for the purposes of a university, to be laid off by the purchaser or purchasers, as near the center as may be, so that the same shall be of good land, to be applied to the intended purpose by the legislature of the State. In consequence of the above powers the Board of Treasury did enter into contracts for certain quantities of land with Messrs. Cutler and Sargent. on behalf of the Ohio Company, and with Messrs. Dayton and Marsh, on behalf of John Cleves Symmes and his associates. By the letters patent granted to Mr. Symmes, the lots numbered 8, 11, 16, 26, and 29, are excepted out of the grant, and reserved to the United States for the purposes to which they had been appropriated, No. 16 for schools, according to the Ordinance of 20th May, 1787, and the lot No. 29 in each township for the purposes of religion, the lots 8, 11, 26, for such purposes as the Congress of the United States should thereafter direct. From thence it appears that, although the lots Nos. 16 and 29 are appropriated, and are to be given perpetually for the purposes above mentioned, they have not actually been given, and the fee of them remains in the United States.

Whether like reservations and exceptions were made in the patent issued to the Ohio Company I am not able to inform the Council, but it is highly probable they were made, because the petition of Mr. Symmes to Congress of the 29th August, 1787, prays that Congress will be pleased to direct that a contract be made by the Board of Treasury with him, for himself and his associates, in all respects similar in form and matter to the grant made to Sargent and Cutler, differing only in quantity and place, and, instead of two townships for a university, that only one be assigned for the benefit of an academy, which petition was by Congress referred to the Board of Treasury, to take order the 2d October, 1787. Why Mr. Symmes declined accepting of two townships for an academy, is not easily to be imagined.

For further information respecting the township granted in trust to Mr. Symmes and his associates for an academy, I beg leave to refer the Council to a communication made to a committee of the House of Assembly, sent herewith. I have the honor to be, etc.

RUFUS PUTNAM TO THOMAS WORTHINGTON.

MARIETTA, *October* 24, 1799.

. . . I wish to be informed of the distance from Chillicothe to Cincinnati, the practicability of a mail being carried from one to the other, an account of roads, waters, means of subsistence, and distance between stages. I want, also, to know the distance from

Cincinnati through Kentucky to Limestone, by the route the mail now travels, and also from Limestone to Chillicothe. I also request you to inform me of the distance from the Salt Springs to Pepe, from Pepe to Chillicothe, from Pepe to Limestone, and from Chillicothe to Licking on the Muskingum. My object in the inquiry is, to point out to the Postmaster-General the situation of the principal settlements in the Territory, and our connection with Kentucky in point of communication by all the roads or routes that are or may be opened with a probability of success. It has appeared to me that, if practicable, the mail for Cincinnati ought to go direct from Chillicothe to that place; that a much better arrangement may be made than the one at present for the accommodation of the public in general, without any additional expense. Your compliance with my request, and opinion on the subject, will much oblige your friend.[1]

MESSAGE FROM THE GOVERNOR TO THE HOUSE OF REPRESENTATIVES.

CINCINNATI, *November 11th*, 1799.

Gentlemen:—I herewith transmit a representation and request of missionaries of the Church of the United Brethren, made to me some time ago. The object of that mission is the propagation of the Christian religion among the Indians, the attainment of which they find impeded by the introduction of spirituous liquors into the settlement under their care. The design is in itself so laudable, and, at the same time, attended with so many difficulties, that I can have no doubt of the legislature removing every obstacle to the accomplishment of it that can, with propriety, be removed by them, and I recommend the subject to their consideration.

GOVERNOR ST. CLAIR TO OLIVER WOLCOTT.

CINCINNATI, *December 2d*, 1799.

Sir:—The petition to Congress from the people who have purchased lands of Judge Symmes beyond the bounds of his patent, which I took the liberty to mention to you as intended, and which you desired might be sent on through me early in the session, I have inclosed to Mr. Ross, of the Senate, by post, and have requested him to communicate it to you. Their situation is really distressing. It would, perhaps, have been most proper that, as the Territory will have a representative in Congress, it should have been committed to him, but his being the son-in-law of Mr. Symmes is against it, and the pains that was taken to get him elected has induced a general belief that to secure a support in that body was his principal motive. That Mr. Harrison should take any pains against him is not to be expected, and it would have been indelicate to put the presenting of the petition upon him.

---

[1] *MS. Worthington Papers.*

ADDRESS OF THE LEGISLATURE TO THE CITIZENS OF THE TERRITORY OF THE UNITED STATES NORTH-WEST OF THE OHIO.

Fellow-citizens:—We are not insensible of the honor conferred on us in selecting us to the honorable though arduous task of framing laws to protect and secure the personal rights and the property of so numerous and respectable a class of men settled over an extensive tract of country. How far we have succeeded in the execution of our duty to effect so desirable and important an object, can only be known when those laws shall come into operation; but if good intentions can entitle us to your approbation, we shall receive it from a brave and generous people with pleasing sensations.

It must have been easily foreseen that the expenses arising on our entering upon the present stage of government would be considerable.

To provide for these expenses, a land tax presents itself as the principal, if not the only, object of which we could avail ourselves for this purpose. We conceive this the least burdensome to the greatest class of citizens, as no small proportion will be paid by persons living without the Territory owning large tracts of land therein. Our soil, climate, and navigable waters present to the mind of observation and contemplation the most pleasing views and prospects of the future greatness and importance of this part of the American empire, but to realize these advantages exertions must be made, which are within the power of an industrious, enterprising, and enlightened people. Let the present generation set the example by discountenancing idleness and dissipation, and, on the other hand, by encouraging industry, frugality, temperance, and every moral virtue, and in a few years the desert will disappear before the hand of industry, the fields will be covered with flocks, and the face of nature will blossom like the rose. Religion, morality, and knowledge are necessary to all good governments, say the venerable framers of our Constitution, and to this great truth every man of liberal information will subscribe. The liberal grants of lands from the United States, for the purpose of erecting and endowing a university, and other seminaries of learning, for private schools, and for the support of religion, are advantages superior in these respects, perhaps, to those which any other country can boast of, and no time will be lost in bringing these advantages into actual operation. To these advantages let us contribute, as far as possible, that wisdom, knowledge, and virtue may be widely diffused. Let us inculcate the principles of humanity, benevolence, honesty and punctuality in dealing, sincerity, charity, and all the social affections.

Let it be remembered that the foundation of public prosperity and happiness must be laid in private families. Every well-ordered family is a little amiable community; and a great community made up of such families must be prosperous and happy at home, and respectable abroad.

EDWARD TIFFIN,
Speaker of the House of Representatives.
H. VANDERBURG,
President of the Council.

Attest:
JOHN REILY,
Clerk of the House of Representatives.
W. C. SCHENCK,
Secretary to the Council.
DECEMBER 18*th*, 1799.

SPEECH OF GOVERNOR ST. CLAIR TO THE LEGISLATURE, ON THE DAY OF THEIR ADJOURNMENT, DEC. 19TH.

Gentlemen of the Council and House of Representatives:—I have desired you to meet together at this time in order that an end may be put to the present session of the legislature, which, from the variety of important matters brought before it, has been drawn into considerable length, and from that circumstance must have been attended with some inconvenience to you. I could have wished that it had ended at an earlier day, so that the members who come from a great distance might have been able to reach their respective homes before the severity of winter; but that could not be without postponing business which did not well admit of delay; and I can not let slip this opportunity before we separate of acknowledging the satisfaction I have received from the patience, the temper, and the industry which have been manifested in your deliberations, and the firm persuasion I have that the best effects will follow from them.

It would have given me peculiar pleasure, gentlemen, if I could have agreed with you in every thing that was done, and I request you to believe, that where I have dissented from any of your acts it was not without much doubt, and after the best consideration I was able to give them. The Ordinance for the government of the Territory having made the Governor a branch of the legislature and placed in him a negative upon the acts of the other two branches, it became an indispensable duty for me to view them in every light, and to trace them to all their consequences as fully as I was capable of doing it; and, having done so, I was bound by every tie of duty and of conscience to follow the dictates of my own mind. Considering the nature and effect of that negative, there would have been a striking impropriety in noticing any of your acts while they were on their passage through the respective Houses; and it would have been no less improper, where I could not agree to them, to have stated my objections and have sent them to you, because you were under no obligations to consider them, and might, without any indecorum, have refused to hear them read. It might even have been resented as an attempt to influence your deliberations; but there is no impropriety in their being mentioned, or in your hearing them now, and I will give you that trouble were it only to satisfy you that I did not act from caprice.

The act to regulate marriages was not approved, because children of any age were thereby made capable of not only being betrothed, but actually married to all intents and purposes, if the consent of their parents and guardians was obtained; because, though persons of certain descriptions only were authorized to celebrate the marriage rites, there was no prohibition to persons of any other description to celebrate them, nor any penalty imposed upon them if they took it upon themselves to do so.

The act to regulate taverns and other public-houses, especially in country places, has the worst effects upon the industry and the morals of the people; and that act would probably have multiplied them eventually, for it would have been easier to procure the recommendations made necessary to the obtaining licenses by that act than those required by the existing law; they must be of bad character, indeed, who could not prevail upon nine persons to recommend them to the courts of quarter-sessions.

But those courts will be cautious, both as to the nature and number of recommendations they are now authorized to make, and will reject improper applications. Besides, no power was given by the act to refuse licenses let the character of the applicants and the places where houses were proposed to be opened have been ever so unfit; if the recommendations were procured, the license must have been granted; whereas, by the law as it now stands, the license may be refused, notwithstanding the recommendation of the court of quarter-sessions.

There is, indeed, a difference in the prices to be paid for licenses, according to the places where the houses are to be opened, which has the appearance of an improvement, but it may well be doubted whether the effect would be any other than increasing the number of public-houses in places where there is little or no occasion for them, and, consequently, increasing the incentives to idleness and vice.

The act to create the office of county surveyor did not meet with approbation, because it did not seem to be necessary. The primary disposal of the lands is in the United States, and a surveyor-general has been appointed by them. Every thing relating to the surveying them, in the first instance, must be performed by him, or by persons by him appointed. Surveys, which it may be necessary to make in consequence of land causes pending in any of the courts, or of division lines by consent, can as well at least be made by surveyors agreed upon by the parties, or, if they will not agree, appointed by the courts for the purposes before them.

The recording all surveys made by the county surveyors in books to be kept by them, seems not to have any determinate object, for certified copies of those records are not made evidence in those cases where they may be litigated, whereas, the surveys and petitions made by order of the courts, by whomsoever performed, will make a part of their records in every cause where they have been ordered; and of division lines made by consent, the evidence will be found in the memory of the persons who saw them made and upon the ground, and to those recourse must be had when disputes arise were they recorded in a thousand books. The act further contemplated that the surveyors should hold their offices during good behavior. Had the office appeared to be necessary, it would have been among the last that would have been given by that tenure.

The act to ascertain the number of souls in the eastern division of the Territory, was not approved, because a division of the Territory, which does not, nor ever did exist, has been assumed as its principle. Such a division must indeed take place at a future period; and, when that period arrives, this legislature, that is, the legislature constituted as it is at present, can have nothing to do with it. With another title, and small alteration in the first section, which is only a repetition of the title, it would have been agreed to without hesitation. It is hoped that the object of the act will be attained by the law regulating elections. All the acts dividing the counties of Hamilton and Adams, and erecting the parts separated from them into new counties, have been disapproved for various reasons. The measure appeared to be entirely premature. There is not that information of the number of people which would be contained in any one of them, from which to form a correct judgment of its propriety or impropriety. No provisions are made for the representation in the legislature of those counties to be erected out of Hamilton. It is not improbable that some of them would not be entitled to a representative. To the county proposed to be taken off of Adams a representative is given, but it is doubtful whether the number of inhabitants within the bounds would be entitled to one; or if their numbers are sufficiently large whether Adams would not be left without. Representation in the legislature is one of the most essential rights of a county. It should be a pressing necessity, indeed, and accompanied by an express waiver of the right that should induce the depriving a portion of the people, by erecting the district of the country they inhabit into a county of any right attached to that class of community; but, above all, of the right of representation.

I am truly sensible, gentlemen, of the inconveniences that follow from a great extension being given to counties; they can not, however, be constructed while the settlements are otherwise, and the inconveniences are not lessened, but rather increased by being made very small, with respect to the number of inhabitants.

The expenses which necessarily attend the establishment of counties fall light when divided amongst a number, but become a heavy burden when they must be borne by a few, and the inconveniences of attending the courts as jurors and witnesses, which are sometimes complained of, are increased nearly in the same ratio as the counties are multiplied within the same bounds.

There is yet another reason, gentlemen, why those acts were not assented to. It appears to me that the erecting new counties is the proper business of the Executive. It is, indeed, provided that the boundaries of counties may be altered by the legislature; but that is quite a different thing from originally establishing them. They must exist before they can be altered, and the provision is express that the Governor shall proceed, from time to time, as it may become necessary to lay them out. While I shall ever most studiously avoid encroaching on any of the rights of the legislature, you will naturally expect, gentlemen, that I should guard with equal care those of the Executive.

Some new counties, gentlemen, are no doubt necessary, and, as it will always be my most earnest desire, as it is my duty, to promote the happiness and the convenience of the people in every thing intrusted to me, should the necessary information be obtained, their wishes in respect to them may be gratified before you meet again.

The act for establishing the town of Manchester as the permanent seat of justice for the county of Adams was disapproved, because, however numerous the petitioners for that measure may have been at that time, the courts were fixed at Washington, not only at the request of a majority of the inhabitants, but after an inspection was made at both places and the intermediate country, in order to ascertain where was the most proper spot in all respects. Great efforts were made immediately after Adamsville had been fixed upon (that was the place first chosen) to induce the removal of the courts to Manchester, which occasioned the view to be taken I have spoken of; but the objections to Adamsville were well founded, and there were others to Manchester which presented themselves to me, and the courts were removed to the mouth of Brush Creek, where the town of Washington is now situated—a place acknowledged by such of the inhabitants of Manchester as accompanied me on the view to be unexceptionable, and which would have given perfect satisfaction had it been fixed upon at first. Those efforts have been continued to induce a second removal, and in a way not to merit the countenance of the legislature, because the public money has been laid out, and a jail is already erected, and materials (as I am informed) provided for a court-house at Washington and actually on the ground; because the removal of seats of justice on light suggestions tends to introduce amongst the people a spirit of discontent, love of innovation, and of cabal and intrigue, destructive of public tranquillity, and a preference of private interest to every other consideration; because that whatever a law may declare with respect to the permanency of those seats, the removal, in one instance, opens the way to fresh applications of the same nature, and exposes them to frequent fluctuations from the changeable views and interests of individuals, and the changes that may take place in the representative body; and because these changes can not be made without injury to individuals and the community.

The act for erecting the county of Clark has not been assented to for some of the reasons above mentioned. It is known to me, gentlemen, that the present number of inhabitants can not support a county; it is even probable that the names of every man, or nearly every man, living within the proposed boundary was subscribed to the petition presented to the House; they did not, I think, much exceed a hundred. It is obvious that they are far short of what would entitle them to a representative; at the same time, the relative situation of the tract they inhabit, cut off, as it is, from the settled parts of the county of which it is a part, and from the settled parts of every other county to which it might be annexed till it reached maturity by a vast extent of wilderness, renders the circumstances of the people there peculiarly unfavorable, and makes them a proper object of attention to the legislature; and I do not doubt that, at another session, when less pressed by business of a public nature, your wisdom will discover and apply the proper remedy. The population of that part of the country, known by the name of New Connecticut, and the relative situation of the settlements within it, are very little known; the name even of any person, one excepted, who resides in it, has not reached me.

In such circumstances it would be impossible to carry the act for erecting it into a county into execution, and for that reason, and such of those above detailed as applied to it, it has been disapproved. Means will be taken before another session to procure the necessary information of its actual state.

New as most of us are, gentlemen, to the business of legislation, it is not to be wondered at that some differences of sentiment have appeared. It is, however, a pleasing reflection that it has been carried on with the greatest harmony, and that this first essay, which, permit me to say, would do no dishonor to a more practiced legislature, promises lasting benefits to the good people of this Territory whom you represent.

For the compliment you were pleased to make me, I return my sincere thanks, and I accept it the more readily that it comes in the delicate shape of a compensation, while I consider it as an honorable mark of approbation. What I owe to the United States, to the people of the Territory and to my own reputation, lay me under obligations to a performance of the duties of my office, to which nothing can add weight; but this instance of your attention to my comfort, can and will add a stimulus to my exertion, and it is not the less acceptable that, with all the economy I can use, the emoluments of the office barely enable me to maintain my family, while it employs my whole time.

In appointing a time for your next meeting, I have conformed to your wishes, and you are the best judges when the public business can be attended to with the least inconvenience. That time, it has been signified to me, is the first Monday of November next. Wishing you, then, gentlemen, a safe and happy return to your respective counties, this meeting of the legislature is put an end to for the present, and prorogued to the said first Monday of November, which will be in the year one thousand eight hundred.

GOVERNOR ST. CLAIR TO JAMES ROSS.

December (no date), 1799.

Dear Sir:—Our assembly, at length, is up, and the session has been a very harmonious one, notwithstanding that I was obliged to put a negative upon a good many of their acts. Their last act was a very handsome address to the President, from which there were only four dissentients. I have inclosed a paper, which contains what I said to them when they were prorogued. By the last post, I inclosed to the President a memorial of the Senate from them to the Congress, in behalf of the persons who have purchased of Judge Symmes beyond the limits of his patent. That subject would have, no doubt, come before Congress on the petition of the people themselves, but as it is most probable that Mr. Harrison will throw all the cold water on it he can, I beg of you, if their case appears to you in the light it does to me, that of being a very hard one, that you will befriend them, and get them a reasonable time to make their payments in. Still, I am of the opinion that, were the present manner of disposing of the lands done away entirely, and one similar to that of Pennsylvania substituted, it would be found to be the most satisfactory, as well as the easiest in the execution, and though so much money might not come into the treasury at once, it would be constantly and gradually coming in, and as the accruing interest, where the purchase-money was not paid, would be equal to so much of the debt as that would have extinguished it, it is precisely the same thing as if the sales were for ready money; and if much money is expected to be produced by the sales, I am apprehensive it will be found to have been a mistaken expectation.

Will you excuse me for troubling you a little further with our affairs? The subject of the township which ought to have been set apart for an academy was brought before the legislature, and they have entered into some very ridiculous resolutions respecting it. The township that had always been known by the name of the College

Township, and designated as such upon Mr. Symmes's map for several years, they found had been sold by him, all except five sections, and they have instructed Mr. Harrison to endeavor to procure a law to be passed vesting those five sections in the legislature in trust, and giving them one and thirty sections on the Miami River, and probably out of Symmes's grant, in lieu of those which he has alienated, which is, in fact, requesting Congress, as Mr. Symmes has broken the trust imposed in him, to make good for him that failure. If Congress will not do that, he is instructed to use legal means to compel the execution of the trust, or a compensation. It is now impossible for Mr. Symmes to fulfill the trust; that he has put out of his power; but he may be made to pay the value, and with great reason, because he paid nothing to the United States for that land, and the expectation of such a seminary was, no doubt, an inducement to those who purchased within the bounds to pay him higher prices than they would otherwise have done. Were he to pay at the rate of two dollars only for them, and the money invested in six per cent. stock, or put at interest on real security, the interest of the forty thousand dollars would handsomely maintain the institution, and the odd six thousand eighty dollars would complete the buildings, so that it might come into operation immediately; and this I should think more advantageous than even the land, which seems to have been intended, though it would easily bring five dollars were it free for sale. What legal means can be taken by Mr. Harrison I do not see, for, though the trust is to Mr. Symmes, for the use of the adventurers, within the bounds of his patent (and the people at large have nothing to do with it), yet it was made by the United States for the benefit of those adventures. It was, in fact, a part of the price paid for the lands, and their trustee having failed to apply it, it appears to me that it is by them that he ought to be called to account.

I have conversed with you on the subject of dividing this Territory into districts and erecting two governments in it. You seemed to think it would be a proper measure, and that nothing made against it but the additional expense it would occasion. To me that has always appeared a small consideration, when compared with the inconveniences that would probably follow from its soon becoming a State; and, if it is not divided, it must become a State very soon. It is even thought by some that the requisite number of inhabitants are now within it, and measures have been taken by the legislature to ascertain it. But no time shall be lost, when it does come about, by directing an annual enumeration.

A multitude of indigent and ignorant people are but ill qualified to form a constitution and government for themselves; but that is not the greatest evil to be feared from it. They are too far removed from the seat of government to be much impressed with the power of the United States. Their connection with any of them is very slender—many of them having left nothing but creditors behind them, whom they would very willingly forget entirely. Fixed political principles they have none, and though at present they seem attached to the General Government, it is in fact but a passing sentiment, easily changed or even removed, and certainly not strong enough to be counted upon as a principle of action; and there are a good many who hold sentiments in direct opposition to its principles, and who, though quiet at present, would then take the lead. Their government would most probably be democratic in its form and oligarchic in its execution, and more troublesome and more opposed to the measures of the United States than even Kentucky. All this, I think, may be prevented by the division of the Territory. Time would be afforded for the cultivation of a disposition favorable to the General Government, as the inhabitants would meet with nothing but friendship and protection from the United States, and the influence of the few wealthy would cease entirely, or scarce be felt, and gratitude and attachment would become fixed habits of the mind. But it is not every division that would answer those purposes, but such a one as would probably keep them in the colonial state for a good many years to come. In a letter, which I wrote to the Secretary of State by the last post, on this subject, I mentioned the proper boundaries to them, but, on further reflection, I think it would not answer; that it would divide the present inhabitants in such a manner as to make the upper or eastern division surely Federal, and form a counterpoise from opposing local interests in the western division to those who are unfriendly to the General Government, I think is certain; but the eastern division is too thinly inhabited, and the design would be too evident. A line drawn due north from the mouth of Eagle Creek, where it empties itself into the Ohio, would answer better. There would then be the counties of Adams, of Ross, of Washington, of Jefferson and Trumbull in the eastern division, and all of them must hereafter be subdivided, and other counties made out of them; and the western division would contain the counties of Hamilton, Wayne, Knox, St. Clair, and Randolph, and each of them would have a sufficient number of inhabitants to continue in the present stage of government—that is, to make laws for themselves by their representatives; whereas, were the Territory divided by the great Miami, the western division must return to the first stage. The expense, which you seemed to think would be the principal obstruction, would be but trifling, for, undoubtedly, an increase of judges there must be, if any regard is had to the people. It is utterly impossible that three judges can do the business, but were they sufficiently numerous for the country as it now is, they might serve for the whole of it when divided into two districts. The whole additional expense, then, that the division would occasion would be the salary of one Governor.

The division of the Territory, I am persuaded, will be pressed, and I believe it to be a part of Colonel Worthington's business in Philadelphia; and the great Miami, or a line drawn from the mouth of it, will be set forth in the strongest manner as the proper line. The people of Ross are very desirous it should take place. Their views are natural and innocent enough. They look no further than giving consequence to Chillicothe. But I am very much mistaken if their leaders have not other and more extensive views. They think the division in that way would but little retard their becoming a State, and as almost all of them are democrats, whatever they pretend to the contrary, they expect that both the power and the influence would come into their hands, and that they would be able to model it as they please; and it is my fixed belief it would be in a manner as unfriendly to the United States as possible. This, however, is in confidence, and I particularly request that my sentiments may not be confided to Mr. Worthington, who, I have discovered, not to be entirely that candid man I once represented him to you, and who I now think a very designing one.

On the subject of the judges, I will take the liberty to bring to your mind what you mentioned to me about Mr. Kittera. He would, in my opinion, be a great acquisition, and I beg of you to use your influence in his favor.

There should be one lawyer on the bench where their decisions are final. If an additional number is appointed, it would be a grateful thing. That some of the gentlemen of the law, who here are residents, should be thought of, is to be expected; and there is a gentleman of the name of McMillan, a counselor, spoken of to me in strong terms by the rest of the bar, and I believe they will recommend him to the President. I am personally acquainted with him. He is a man of much application, with a strong and not uncultivated mind, an awkward appearance and address, and is an indifferent speaker, but has fair reputation, and is in great esteem with the people.

I have written you a letter of a most unmerciful length, but you must blame yourself for having encouraged this correspondence; and, to tell you the truth, you are now the only person with whom I do correspond on subjects of this nature. Accept the compliments of the season, and my sincere wishes that you may see it often happily return.

GOVERNOR ST. CLAIR TO THE PRESIDENT.

CINCINNATI, *December 23d*, 1799.

Sir:—The inclosed address from the General Assembly of the Territory, was put into my hands on the 19th instant, the day on which it was prorogued, by a committee of both houses, with a request that I would transmit it to you. In that, sir, they imposed a very agreeable duty upon me; for the sentiments appeared to be such as were proper for them to express, and, having publicly expressed them, the individuals will find themselves prompted (had they no better motives, and I hope and believe they have many better) by the desire so natural to men, of leading others to think as they do, to propagate them among their constituents; and nothing can be more agreeable to me than being made the channel through which the testimonies of confidence and respect and of attachment towards you are conveyed.

I trust a short time only will elapse before they are common to the whole American people.

A law, sir, has been passed, during the session of the legislature, for regulating the militia, which requires a number of general officers to carry it into effect. So soon as I can get a copy, it shall be sent to the Secretary of State to be laid before you, and, with your permission, I will name to you such persons in the different counties as appear to me, in all respects, the fittest to fill those offices.

TO JOHN ADAMS, PRESIDENT OF THE UNITED STATES.

Sir:—The General Assembly of the Territory north-west of the River Ohio,[1] believing that the highest reward which a virtuous public officer can receive is the applause of his fellow-citizens, are anxious to embrace the earliest opportunity of declaring their confidence in your virtue and talents, and their approbation of your official conduct. With a degree of pleasure and exultation more easily felt than expressed, we review the history of your important life, replete with proofs of patriotic virtue. At a period which demanded more than ordinary firmness, we saw you step forward, the resolute supporter of your country's rights. We witnessed your perseverance through the Revolutionary War, and to your firmness we attribute the enjoyment of the rich country we now inhabit. Having acted so conspicuous a part in the establishment of American independence, at the close of the arduous contest, which enrolled the United States on the record of nations, you might have retired to the shade of private life, and securely enjoyed the approbation of an upright mind and the applause of a grateful country, but, happily for America, you chose to continue in public life till the confidence of your fellow-citizens, at a critical moment, placed you at the helm of state; and permit us, sir, to assure you, that we are duly impressed with a sense of the wisdom, justice, and firmness with which you have discharged this important trust; and we take this early opportunity of assuring you, sir, of our sincere attachment to the American Constitution and Government, and of our determination to afford every possible support to both.

---

[1] *Resolved, unanimously, by the Legislative Council and House of Representatives, etc.,* That the Governor of the said Territory be requested to transmit

We believe that, regardless of the voice of party spirit which has striven to distract our national councils, you have kept the honor and happiness of the nation constantly in view; and we ardently pray that the Wise Ruler of nations may preserve your health and life.

EDWARD TIFFIN,
Speaker of the House of Representatives.
H. VANDERBURGH,
President of the Council.

---

to the President of the United States the following address (signed by the President of the Council, and the Speaker of the House of Representatives, in behalf of both houses), together with this resolution.[1]

---

(1) The address was adopted by a unanimous vote of the council, but there were five negative votes in the house.—*See Vol. I., p.* 213.

ANSWER OF THE PRESIDENT OF THE UNITED STATES TO ADDRESS FROM LEGISLATURE OF THE TERRITORY.

PHILADELPHIA, *January* 18, 1800.

Gentlemen:—A kind address has been transmitted to me, at your request, by Governor St. Clair, and subscribed by Edward Tiffin, Speaker of the House of Representatives, and H. Vanderburgh, the President of the Council; the more agreeable to me as it appears to have been unanimous. I pray you to accept of my sincere thanks for this pledge of your affection and respect. The confidence and approbation of so remote a portion of the nation, as it may be supposed to be impartial, is very precious to me. Whatever may have been my prospects in private life; whatever delight I have taken in its pursuits, and whatever inclination I may have always had for its tranquillity, I have not declined the invitations of the public to assist in their councils. If any efforts of mine, in concert with others of brighter talents and fairer fame, have contributed, in any degree, to the enjoyment of the rich country you now inhabit, this consideration alone ought to be esteemed by me as a sufficient reward for the services of a whole life.

Your sincere attachment to the Constitution and Government, and your determination to afford every possible support to both, do you honor, while your prayers for my life and health deserve my best thanks and sincere benedictions to yourself and your posterity.

JOHN ADAMS.

ADDRESS OF GOVERNOR ST. CLAIR ON THE DEATH OF GENERAL WASHINGTON.[1]

I thank you, gentlemen—my fellow-citizens, I thank you all for this mark of respect which you have just paid to the memory of our

---

[1] "And solemn moved along the cavalcade."

Saturday last exhibited to this town a scene of mourning, which it had never before witnessed. That day had been previously set apart for the purpose of paying the most solemn funeral honors to the memory of the man "first in war, first in peace, first in the hearts of his countrymen," General George Washington.

In obedience to the orders of Major-General Hamilton, Captain Miller, the commanding officer at Fort Washington, had made arrangements for that purpose. The morning of the solemn day was announced by sixteen discharges of cannon, in quick succession. At 12 o clock the troops formed on the flat in front of the garrison, where they were joined by Captain Find-friend, General Washington, that good and great man, who was not only the father of his country, but the friend and benefactor of mankind, for his life was a lesson, and it will be a lasting one to all who aim at being truly great or truly useful.

Could virtue, my friends, have rescued from the grave, we should not now have had to perform this mournful ceremony, nor to lament the loss we have sustained. A heavy loss it is, and for which our grief is both decent and proper. But let us not sorrow as those who have no hope. He is gone to those mansions of bliss, where the spirits of just men are made perfect, to receive his glorious reward, and where nothing he did or suffered for his country will be forgotten! For ourselves, indeed, we have much sorrow; for he was removed from us at a most critical time, when our country is threatened from abroad and distracted by divisions at home. But if we, my friends,

---

lay's troop of horse, the Masonic brethren, and a large concourse of citizens, all eager to testify their high veneration for the character of the illustrious deceased, and the deep sense which they entertained of his loss, by paying this mournful tribute of respect to his memory. The bier was received by the troops, formed in lines, with presented arms, officers, drums, and colors saluting The procession then moved on in the following order, minute guns firing from the garrison, and the music performing a solemn dirge:

Cavalry.
Regular troops.
Horse representing that of the General, with saddle, holsters, and pistols, and boots reversed.
Rev. Mr. Wallace.

Dr. Sellman, Captain Prince, Captain Spencer, *Pall-bearers.*	Corpse.	Dr. Elliott, Major Zeigler, Major Goforth, *Pall-bearers.*

His Excellency, the Governor,
and the Attorney-General, as mourners.
Masonic brethren.
Militia officers in uniform.
Citizens.

Having proceeded through different streets, and arrived at the place representing that of interment, the military halted, and, opening their lines, formed an avenue for the bier, and those immediately attendant on it, to pass through, the troops leaning on reversed arms. The coffin having been deposited in the grave, a prayer suitable for the occasion was delivered by the Rev. Mr. Wallace, after which the Masonic brethren performed their ceremony. Three discharges of musketry over the grave concluded the military ceremonies.

His Excellency the Governor then delivered the following address.—*From the Western Spy, February* 5, 1800.

with humble confidence, place our reliance upon Almighty God, who raised him up and endowed him with all the talents that were necessary for all the great and important stations he was called to in the course of His providence, and under whose guidance we were led to independence and attained our liberty, regulated and guided by the best and wisest provisions, and we are true to virtue and ourselves, we need not fear that should troubles encompass us, He will not again raise up for us fit instruments to lead us through them, and to accomplish all His gracious purposes towards us; and the many visible instances of His interposition in our favor, heretofore, when every probability was against us, and hope itself almost extinguished, while the recollection of it ought to excite in us the most lively gratitude, affords us good ground to believe that great things are intended for us as a nation, if we do not disappoint them ourselves, and, by our vices, call down the divine displeasure. Of this, my friends, be assured: if we do not forsake God, He will not forsake us, and of this our deceased friend has left us both the example and the proof. He trusted in God, and He delivered him from all his enemies. His life was a life of virtue, and his latter end was peace.

GOVERNOR ST. CLAIR TO JOHN ADAMS.

CINCINNATI, *January* 27, 1800.

Sir:—I have taken the liberty to inclose to you the written request of the gentlemen of the bar of Hamilton county for the appointment of Mr. McMillan.[1] The object of it I know to be a man of integrity; much esteemed, and of considerable influence. Of his political principles, I have learned that some doubt has been made in Philadelphia, and that the representative has mentioned to some persons here that an explicit declaration that he would support the administration, to be made by him or some person in his behalf that could be depended upon, would be required in order to his being nominated. Although I have ever thought it wrong that offices should be trusted to enemies of the Government, I doubted of Mr. Harrison's authority to say that an express declaration that he would support the administration would be required of any person, and it has not even been hinted to Mr. McMillan. Though he has rather leaned toward democracy, I can say with truth that he has always been moderate, and a single session in the assembly has entirely removed the prejudice he had in favor of a single branch of legislation, which he openly and candidly acknowledges.

---

[1] See St. Clair's letter to Senator Ross, December, 1799. Mr. McMillan was mentioned in connection with a position on the bench.

GOVERNOR ST. CLAIR TO WILLIAM HENRY HARRISON.

CINCINNATI, *February* 17, 1800.

Sir:—The inclosed petition from the people of St. Vincennes was received by express a few days ago, and was accompanied with a request that I would forward it to Congress. I must beg you to have the goodness to present it. The object of the petition is that such a division of the Territory may take place as would throw them and the people of the Illinois country back into that kind of government from which the Territory at large has just emerged, which is more fully explained to me in the letter accompanying the petition than in the petition itself. It may seem to Congress a strange request, but if their local situation is considered, their great distance, and the little connection or even intercourse, and the difficulty of that intercourse, it will not appear to be an unreasonable one, especially if this circumstance, detailed in my letters, is well founded:

"It is found, upon an accurate estimate, that the Territorial tax which falls upon this county, under the present revenue laws, will exceed the amount of the specie circulating in it, and as they are fully persuaded that, in the course of a year or two, they will fall back to the situation from which they have just emerged, they conceive it would be an intolerable grievance to have their lands sold for the support of a government from which they expect to receive little or no advantage."

A division of the Territory is a subject on which I have thought a great deal, and have fervently wished, and you well know that, from the enormous extent of it at present, it is almost impossible to keep even the executive part of the government in order. The great and growing importance of this country seems never to have been attended to; in truth, there were few persons in Congress who knew much about it, and the concerns of the States they represented, together with the great interests of the Union, kept it, in a great measure, out of sight. We may now hope that some attention will be paid to it, and it is with pleasure that I have seen that you have been appointed chairman of the committee for taking its concerns into consideration. How much soever a division is to be wished, there are difficulties in the way. The increase of expense would form one; but it is an ill-calculation to put a little money in the scale against the welfare and happiness of a multitude of people. To render the Territory manageable, it would require to be divided into three districts; and then it may be thought that the Ordinance stands in the way, that having provided for a division into two only, and it is generally supposed that the Ordinance can not be altered but by common consent. This, I think, a mistake. There is, indeed, a part of it where the fundamental principles of the States which may hereafter be erected are laid, that is declared to be a compact not to be changed but by common consent; but every other part of it is as much in the power of Congress to alter or repeal as a law which may have passed yesterday. Suppose these difficulties got over, how are the districts to be bounded? The object of some is that the eastern district should extend from the line of Pennsylvania to the Great Miami; the middle district to comprehend the country between the Great Miami and the Wabash, and the western district the country between that and the Mississippi. On that proposition, I would observe that the eastern division would be still too large, and in the middle one there would be very few people, and the Indian title to a great part of it is not extinguished. The manner that strikes me as most eligible is that the Scioto, and a line drawn north from the forks of it, should form the western boundary of the eastern district; a line drawn north from that part of the Indian boundary line opposite to the mouth of the Kentucky, the western boundary of the middle division; and the western division to comprehend all the country between that and the Missisippi. The natural advantages would, in this manner, remain to every part. Marietta would most probably be the seat of the government for this district, and sufficiently convenient to every part of it; Cincinnati would continue to be, with equal convenience, the seat of the middle district, and St. Vincennes for the western; not, indeed, equally convenient, but more so than any other place that could be chosen. There are many other advantages which would flow from this measure which I will not trouble you with. I will only observe that almost any division into two parts which could be made would ruin Cincinnati.

I beg leave to put you in mind of the donations to the heads of families in the Illinois country. Their petitions on the subject are no doubt on the files, for they have been often made. The situation of them is this: Certain spaces near to the villages were to be laid out in squares or parallelograms, sufficiently large for the whole of the donations, and within them they were to be laid and distributed by lot. It was found that the whole of those spaces, supposed by Congress to be vacant, were covered either by old French and English grants, or by grants from the command of officers of Virginia and the courts of the country, to which the act of the 3d of March, 1791, gave validity. They pray that they may be laid off for them on the Kaskaskia River, and in the neighborhood of Cahokia, and they may be laid there without injury; but that they have not hitherto been laid, has been an irreparable injury to many and to the country. I have troubled you with a letter of enormous length, and will only add to it my best respects to Mrs. Harrison, which I beg you to present.

GOVERNOR ST. CLAIR TO M. DE LUZIERE.[1]

CINCINNATI, *le 4iéme Mars*, 1800.

Monsieur:—La lettre que vous m'avez fait l'honneur d'écrire le 28 May dernier; je n'ai reçu que depuis deux mois et je n'ai

---

[1] A victim of the Scioto Company. The letter to which St. Clair's is a reply was as follows:

A MR. LE GENERAL STE. CLAIR, GOUVERNEUR GÉNÉRAL DU PAYS DE L'OUEST DES ETATS-UNIS.

DE LA NOUVELLE BOURBON DES ILLINOIS, *le* 28 *May*, 1799.

Mon Général:—Permettez-moi de me r'appeler á votre souvenir et de reclamer vos Bontés et Votre appui en faveur d'une pétition que son Excellence Le Chevalier De Yrujo ministre de sa Majesté Catholique près des Etats-Unis s'est chargé de remettre, pour moy au Congrès, a l'effet d'obtenir de sa justice et de sa Biénfaisance, quatre mille acres de terres entre la Rivière des Illinois et le Vilage de Cahokia en indemnité de Celles que la Compagnie du Scioto m'á. vendues en 1790. et jamais livrées, et des dépenses excessives que l'inéxécution de cette acquisition m'a nécesssairement occasionnées; Ayant été témoin vous même, mon général lors de mon arrivée sur l'Ohio, des cruels embarras, gênes, pertes, et peines que j'ay eprouvé en cette occasion avec ma nombreuse famille, et quelques compatriotes de mes amis se'duits et trompés comme moi par les fausses promesses et assurances des agents de la dite Compagnie, j'ose me flatter que bien loin d'être contraire et de vous opposer au succès de ma demande, vous daignerez la protéger.—quoi qu' actuellement fixé sur la partie d'Espagne, non seulement je serai à portée de faire valoir les dites terres dans l'endroit ou je les demande et sollicite, à cause de leur proximité de chez moi, mais en outre, mon fils ainé qui était Emigré en Allemagne venant de me rejoindre se propose de s'y établir et de s'y fixer avec sa famille si je les obtiens.

Nous perdons M. Zenon Trudeau, Lieutenant Gouverneur de la Louisiane Supérieure et Commandant à St. Louis que vous connoissez, il est rappelé a son Régiment; il est remplacé par mon fils Delasurr, Lieutenant-colonel aggrégé dudit Regiment qui commandait le poste de la Nouvelle Madrid, et qui a pas trouvé une occasion favorable de vous répondre jusqu' a présent.

Vous n'avez pas vous trompé, Monsieur, en croyant que je suis interessé en tout ce qui peut contribuer à votre felicité, et l'appointement de M. Delassur, votre fils, est un évènement de cette espèce, et nous en avons ici reçu les nouvelles avec beaucoup de plaisir.

Pour ce qui a rapport à votre Pétition que son Excellence le ministre de sa Majesté Catholique s'est chargé de présenter au Congrès, certainement c'est en bonnes mains mais, permettez moi, Monsieur, de vous dire franchement, que je crains pour le succès et je ne voudrois pas faire croître des espérances qui ne promettent de s'accomplir heureusement. Loin d'être opposé a vos vues, je voudrois bien les seconder avec tout mon pouvoir, parceque, justice et générosité à part, les états-unis voudroient être très amplement compensés pour quelques pertes de terre par l'acquisition d'un citoyen tel que Monsieur votre fils, et je suis indigné des tromperies dont vous, Monsieur, particulièrement et tant d' autres ont été les victimes, mais le Congrès, Monsieur, ne se mèle pas dans les contrats des individus, et laisse les trompeurs aux Lois—En croyant, qu' a donner compensation en un cas est jeter un fondement et même un droit pour les demandes des autres, c'est un pas qu'ils prendront avec beaucoup de précaution. Outre cela, la terre même n'est pas absolument à leur disposition—elle est affectèe pour la décharge des dettes publiques et doit être vendue—avec tout cela, je ne refuse pas ma foible aide, et j'ai écrit a quelques uns de mes amis pour les avertir, des peines et des pertes que vous avez souffert et de prier leur bonté en votre faveur, en même tems, Monsieur, il faut que je vous avertisse, avec la même franchise, que *mon* influence est absolument anéantie. Eloigné, ignoré, oublié à l'exception d'un ou deux Messieurs, avec lesquels j'ai été long tems lié par une amitié étroite, je ne connois pas un seul membre du Congrès, et souffrant une espèce de relégation, après le sacrifice de mes meilleurs jours, et la dissipation de ma fortune dans le service public, honorable pourtant, mais sans conséquence, vous verrez bien, Monsieur, que le bon vouloir est tout ce qui me reste. Ce tableau, en vérité, n'est pas bien réjouissant, mais il n'est pas tout à fait sombre, et pour

---

obtenu, de plus, le titre de Commandant général depuis le haut du Missisippi jusqu' au fort de l'espérance-placé vis-a-vis Celui des écors sur le dit fleuve. La part que vous m'avez temoigné prendre à ce qui m'intéressait me persuade que vous apprendrez cet évènément avec plaisir.

J'ai l'honneur d'être avec un sincère et respectueux attachement, mon Général, Votre très-humble et très obéissant serviteur,

Pre DELASSUR DE LUZIÈRES.

contraste, occupé à conduire ma troupe, qui croît en nombre de jour en jour jusqu' à merveille, a reprimer les vices de société, et à les mener à la félicitè publique par la vertu, j'ai trouvé dans cette même rélégation une infinité de jouissances, plus douces, plus solide, et plus convenable, à mon âge que je n'aurai jamais trouvé dans le grand monde.—mon seul regret est, que sans perdre le désir, j'ai perdu le pouvoir d'être utile à mes amis, dans le nombre desquels je vous prie de permettre que je range Monsieur de Luzière.

Votre pauvre contrée, Monsieur, la France, est encore la scène de troubles, de révolutions et d'éxcutions! mais il y a une révolution récemment qui est la plus extraordinaire de toutes les autres. Buonaparte à soudainement arrivé de l'Egypte en France, et bouleversé le Directoire, les Conseils, et la Constitution et à saisi le Gouvernement. Je vous envoye une Gazette où ses premières démarches sont détaillées. Plût à Dieu que les effets donnent la paix à l'Europe ensanglantée et au monde harassé.

Faites moi l'honneur, Monsieur, de me présenter respectueusement à Madame Luziere et à votre aimable fille, et croyez que je suis avec une estime très sincère, Monsieur,

Votre très humble et obéissant serviteur,

AR. ST. CLAIR.

J'aime les François beaucoup, et vous voyez que je massacre leur langue, n'est ce-pas une preuve?[1]

---

[1] TRANSLATION.

CINCINNATI, *March 4th*, 1800.

Sir:—The letter which you did me the honor to write on the 20th of May last, I did not receive until two months ago, and I have not found a favorable occasion to reply to you until the present time.

You have not deceived yourself, sir, in believing that I am interested in every thing which can contribute to your felicity, and the appointment of M. Delassur, your son, is an event of this kind, and we have received the news of it with much pleasure.

In reference to your petition, which his Excellency, the minister of his Catholic Majesty, has charged himself with presenting to Congress, certainly it is in good hands; but permit me, sir, to tell you frankly, that I fear for its success, and I do not wish to increase hopes which do not promise a happy accomplishment. Far from being opposed to your views, I would willingly second them with all my power, because, justice and generosity apart, the United States would be amply compensated for any loss of land by the acquisition of a citizen such as your son, and I am indignant at the deceptions of which you, sir, particularly, and so many others, have been the victims; but Congress does not interfere in the contracts of individuals, and leaves the deceivers to the law, believing that to give compensation in one case is to establish a precedent, and even a right for the demands of others; it is a step which they would take with much precaution. Besides that, the land

GOVERNOR ST. CLAIR TO TIMOTHY PICKERING.

CINCINNATI, *March 30th*, 1800.

Sir:—A considerable time ago, I transmitted to the President a copy of the law for regulating the militia, passed at the last session of the legislature, by which general officers are made necessary to its complete organization, and took the liberty to say that, with his permission, I would mention the names of persons who appeared to me the most suitable.

I have been since informed that some surprise has been expressed that no list of names for those offices had been sent forward, and,

---

itself is not absolutely at their disposal; it is entailed for the discharge of the public debt, and must be sold. With all that, I do not refuse my feeble aid, and I have written to some of my friends, to acquaint them with the troubles and losses which you have suffered, and to beg their kindness in your favor. At the same time, sir, I ought to tell you frankly that my influence is absolutely annihilated. Distant, ignored, forgotten, except by one or two gentlemen with whom I am united by the firmest friendship, I know not a single member of Congress, and I am suffering a kind of relegation, after the sacrifice of my best days and the dissipation of my fortune in the public service—honorable, however, but without consequence. You will see well, sir, that good-will is all that remains to me. This picture, in truth, is not very pleasant, but it is not altogether somber; and for contrast, occupied in conducting my band, which grows in number from day to day marvelously, in repressing the vices of society, and leading them to public happiness by virtue, I have found in this banishment even an infinity of enjoyments—sweeter, more solid, more suitable to my age than I could ever have found in the great world. My only regret is, that without losing the desire, I have lost the power of being useful to my friends, in the number of whom I beg you to permit me to include M. de Luziere.

Your poor country, sir, France, what a scene of troubles, of revolutions, and of executions! But there has been a recent revolution, which is more extraordinary than all the others. Bonaparte has suddenly returned to France from Egypt, and overturned the Directory, the Councils, and the Constitution, and seized the Government. I send you a *Gazette*, where his first steps are detailed. Would to God that the effects may give peace to bleeding Europe and to an harassed world.

Do me the honor to remember me respectfully, sir, to Madame de Luziere, and to your amiable daughter, and believe that I am, with most sincere esteem, sir,

Your very humble and obedient servant,

A. ST. CLAIR.

I love the French very much, and you see how I massacre their language. Is not that a proof?

therefore, I now request you, sir, to take the trouble to lay the following before the President.

I have the honor to be, etc.

For the President—

In the county of Randolph, John Edgar, Esq., commands the militia at present. He is a very good man, and formerly attached to Government of the United States.

In St. Clair county, John du Moulin, Esq., commands, and is also a very good man, of fair character.

In the county of Knox, Francis Vigo, Esq., commands. He has been a very active officer, and, likewise, formerly attached to the Government.

In the county of Hamilton, Oliver Spencer commands. He is an old officer, but has been altogether inattentive to the militia, and is either too old or too indolent to give much attention to it in future. Next to him stands John S. Gano, an active, intelligent man, and a staunch friend to Government.

In Adams, Nathaniel Massie commands, an active, intelligent man, and by far the most wealthy in the county, but a little tinctured by democracy. Next to him stands John Belli, a well-informed man, and clear of those prejudices, but is rather unpopular.

In the county of Ross, Samuel Finley commands, an old officer, a friend to the Government, and a virtuous man. Mr. Worthington and Mr. Langham both look up to the brigadier's office. Langham is an old officer, an open, honest, avowed democrat. Neither of them hold any rank in the militia. Worthington was appointed lieutenant-colonel, and resigned it on Finley's being appointed colonel, when the militia was first organized in that county.

In Washington, Colonel Sproat commands, and has commanded since the settlement of the country.

Colonel David Vance commands the county of Jefferson. He is a very good man, and, indeed, I know of no other there fit for it.

GOVERNOR ST. CLAIR TO JAMES SMITH, SHERIFF.

CINCINNATI, *June* 4, 1800.

Having received information that certain inhabitants of the town of Hamilton, in your county, have, in consequence of an affray between an Indian man of the Shawanese nation and an inhabitant of the said town of the name of McFaden, in which the said McFaden was killed, laid hands upon and kept in confinement three men and a woman of the same nation of Indians, who are not even charged with having had any concern in the said affray, nor in killing the said McFaden; and, whereas, it is provided by the ninth article of the treaty of Greenville, to which the Shawanese nation was a party, "that for injuries done by individuals, either of the Indian nations or of the United States, no private revenge or retribution shall take place, but instead thereof, complaint shall be made by the party iniured to the chief authority of the other," etc., and the arrest and detention of the said Indian men and woman is a direct violation of the aforesaid stipulation, and is an unwarrantable exertion of power by individuals, this is to authorize and require you to proceed to the town of Hamilton, and to take into your custody the said Indian men and woman; and, if you find it prudent to do so, to set them at liberty, and send them among their nation. But should it appear to you that they can not safely be sent from the town of Hamilton, you are to bring them to me at Cincinnati; and if you have ground to suspect a rescue being attempted, or violence offered to them on the way, you are to take the power of the county to your aid, or such part thereof as you shall judge sufficient to secure their safe removal; for all which this shall be your sufficient warrant.

William Ewing to Governor St. Clair.

Detroit, *July* 12, 1800.

Sir:—I beg leave, as one of the settlers in the Territory on the tract called New Connecticut, to make a few remarks to your Excellency with respect to our settlement as may help to give information to induce you to set off a county in that part of the Territory.

We are bounded by the south shore of Lake Erie on the north, extending from the west bounds of the State of Pennsylvania westward forty-five miles to the Cuyahoga River; on the west by said river. Our width south from the lake is fifty miles upon an average. This tract is divided, or run out into townships, of five miles square, and many of these townships are divided into lots or farms for the accommodation of settlers. In a great number of the townships are settlers and settlements made, and the settlements are increasing fast. It is not possible for me to say with certainty what number of male inhabitants we consist of in the purchase, but I think I can, with safety, venture to say to your Excellency that we exceed the number of five hundred free males. I have taken the liberty to address your Excellency from a wish that we may get organized into a county as soon as may be convenient for you to do it, as we shall suffer much if we are annexed to any other county. Your son and others have informed me you expected to be out in that country this summer, if your health permitted. I have spoken some to Mr. St. Clair on the subject.

GOVERNOR ST. CLAIR TO JOHN MARSHALL.[1]

CINCINNATI, *August* 5, 1800.

Sir:—I have been honored with your letter of the 9th of June, relating to the Connecticut Reserve, and also that of the 12th of the same month, covering the act for dividing this Territory. In pursuance of the first, a county has been erected, called Trumbull, comprehending all the land contained within the boundaries by which the reservation was made, when the cession of the claim of Connecticut to western lands generally was accepted by Congress.

In that county an unfortunate accident has happened already, the killing of two Indian men and the wounding of two children, of which I received the account this morning in a letter from Colonel Hamtramck. The inclosed is a copy of it. I shall send another to the Secretary of War. There has been for a considerable time past a great restlessness amongst the Indian tribes, and some of them have been committing depredations upon other tribes, and much appearances that war between them should be enkindled, while others have been stealing many horses from the white people, which is a common prelude to hostilities. I am persuaded that if they do not quarrel amongst themselves it will not be long that they will be at peace with us; to obviate, however, as much as possible the ill effects of this present affair, I shall go to the county of Trumbull immediately, and if the circumstances will justify it, appoint a special court of oyer and terminer for the trial of the person who is taken.

GOVERNOR ST. CLAIR TO WILLIAM WELLS, INDIAN AGENT.

CINCINNATI, *August* 13, 1800.

Sir:—In answer to your letter of the 4th, I inform you that it is my opinion Fort Wayne will be to the westward of a line drawn north from Fort Recovery at least fifty miles, and, of course, so much within the Indian territory, and all the Indians that live to the westward of it, which is nearly all of them except the Shawanese, the Wyandots, the Delawares about Sandusky, and some of the Ottowas, will be under the superintendence of the Governor of that Territory. I do not now know, however, that it will affect your residence at Fort Wayne unless the Miamis should remove lower down. I have sent the letters you inclosed to the President. There is little doubt with me that the British are at the bottom of the restlessness that prevails amongst many of the Indian tribes, and that they are encouraged by them to attack the Spaniards. Would they confine themselves to exciting those who live on their side of the line, they might do it and welcome, but I do not doubt that many of those who crossed the Mississippi lived within our lines. Every thing of that kind should be discouraged as much as possible, for we are in friendship with the Spaniards as well as with the English, and can take no part with either in their quarrels, and if our Indians join either party it may be a means of involving the United States with the other party, and eventually with the Indians also. When you have an opportunity write to Mr. Sohme and thank him for me, for the intelligence he has given, which, as it came from him, will not be disclosed, and request him to undeceive Point Sable about our having joined the Spaniards. We are equally at peace and in friendship with them and the English, and do not meddle in their disputes. If the Indians were wise they would do so likewise.

---

[1] Secretary of State.

P. S.—I am sorry that any thing should induce you to issue more provisions than necessary. The Government does insist on the issues anywhere being reduced to the smallest possible scale. At Detroit, Peltier, to whom the extravagant issues have been supposed to be owing, is dismissed.

PETER ADRIAN TO GOVERNOR ST. CLAIR.

DETROIT, *October* 20, 1800.

Sir:—I think it my duty to inform your Excellency that another attempt has been very lately made to seize and carry away by force British deserters, and that the attempt has been attended with the most unhappy consequences.

On the 17th instant a special court was held at Detroit by Justice S. Joseph Voyez, Francis Navarre, Jean Marie Beaubien, and George McDougall, Esquires, and the information received is, that between eleven and twelve o'clock, in the evening of the 9th inst., some British soldiers, headed by a certain Sergeant Cole, went to the house where a certain Francis Poquette lived with a woman and two children; that they knocked at the door, but were refused admittance, as the said Poquette had some suspicion of the plot; that the door was forced open, the sergeant entered and knocked down said Poquette with a large stick he had in his hand; a battle ensued; the sergeant was wounded in the head and face, and Poquette stabbed in many places, was carried away naked to a canoe waiting at a landing near the place; that, though badly wounded, he jumped out of the canoe into the river, when they stabbed him again to make him be quiet. Dr. W. M. Scott, surgeon of this place, was called next morning, and went over the river to the ferry-house, where both the sergeant and the deserter were lying very ill. The doctor dressed the sergeant first, and went afterward to the deserter, who, almost naked, was lying on the floor in a dark corner of the kitchen. He found the unfortunate man in so dangerous a state that he informed the sergeant that he could not be removed to Malden without imminent danger of losing his life. Whereupon, a man in a soldier's dress, standing by Sergeant Cole, said that he had orders to take the prisoner to Malden, dead or alive. Sergeant Cole agreed, and he was carried away in the afternoon, and died at Malden about five or six o'clock the next morning.

Senator Tracy, who left this place on Friday for Presque Isle, dined on Saturday, at Malden, with Captain McClean, commandant of that garrison. He probably got more information there than he had here. I have been informed that he pledged his word that he would make report to the President on his arrival at the Federal city, and would also converse with you, if he could see you, on that unhappy event. I understand that this business will be laid before the grand jury, at our next general sessions at December term; that probably a bill will be found, and that afterward the whole of the proceedings will be transmitted to your Excellency.

Our election has been rather stormy; the three elected candidates are: Messrs. Colonel Chabert, Jonathan Schieffelin, and George McDougall. Many artifices have been used, and many promises made to unite the minds of the Canadian inhabitants. They have believed, and been united in support of those three candidates. Amongst other promises, it is said that Mr. George McDougall had assured the inhabitants that he would get the law respecting taxes repealed, that he would have a special session held and get an order passed for the sheriff (who is collector for territorial and county tax) to receive produce in payment in lieu of money. A special session was held on the 18th inst.; a petition signed by a great number of inhabitants of River Raisin, was handed under a sealed cover to the bench. I was ordered to open and read it. I did read it, both in French and English. Then the sheriff was sent for, and I asked whether he would agree to receive produce for taxes. His answer was, that he was sorry he had it not in his power to comply with the wishes of the people, that he must do his duty agreeably to law, etc. There the conversation ended; the petition was withdrawn, and Justice McDougall put it in his pocket. The other justices were Joseph Voyez, Francis Navarre, and Jean Marie Beaubien.

On the first day of the election, Henry Tucker, supervisor of the highways for St. Clair township, was near the election house asking Mr. B. Huntington, one of our county commissioners, some instructions how he was to proceed in collecting the road tax. While Mr. Huntington was explaining the business to said Tucker, Mr. McDougall interfered, and said to Mr. Tucker not to proceed to levy the tax, that it was in consequence of a bad law; that a special session would be held immediately after the election, and that an order should be issued to the sheriff and other collectors to receive produce in payment of taxes; and that, if the sheriff or other collectors should refuse to take produce, and distress the people, they should oppose, and that he himself would head any party to oppose them. I did not hear it myself, for I was not present, but Mr. Huntington and Henry Tucker have publicly said that they had heard it. That has been repeated in several places before me, and I thought it necessary to inform your Excellency of the same.

P. S.—Jacob Wisger, Esq., having been detained to attend as justice of common pleas on two contested elections, that is, to take depositions, I have an opportunity of adding a few lines for the information of your Excellency. The first contested election is Mr. Schieffelin's, on two points: first, that he is a British subject; second, that as such he can not hold a freehold, etc. The second contested election is that of Mr. George McDougall, also on two points: the first, that he is not possessed of a freehold in fee simple; the second, that his conduct or behavior on a certain occasion was of a seditious nature, etc. The proceedings on the first were rather noisy, and lasted from ten o'clock in the forenoon until five o'clock in the afternoon. At seven o'clock in the evening the inquiry on the second began, and lasted until two in the morning, when the court adjourned to this morning. They met about eleven, but the conduct of Mr. McDougall and his friends was such that they broke up at one o'clock without closing the business. Mr. Wisger, who goes to-morrow morning, will no doubt give you all the necessary details.

ADDRESS OF GOVERNOR ST. CLAIR TO THE TERRITORIAL LEGISLATURE, AT THE OPENING OF THE SECOND SESSION, AT CHILLICOTHE, NOVEMBER 5, 1800.

Gentlemen of the Council and House of Representatives:—During the last session of Congress, an act was passed dividing the Territory, for the purposes of temporary government, into two districts, and directing that the sessions of the legislature of the eastern district, which retains the name of the Territory of the United States northwest of the Ohio, should, until otherwise ordered by the said legislature, be held at Chillicothe. Of course, it became my duty to call for your attendance at this place instead of Cincinnati, to which you stood prorogued, and I am happy, gentlemen, after so long a separation, to meet you here.

While the greatest part of the civilized world has been suffering all the horrors of war and devastation, with their concomitant evils and calamities, the happiness and tranquillity that have been enjoyed by this country, under the benign influence and superintending care of the General Government of the United States, and the extraordinary plenty with which it has pleased the Divine Providence to bless our labors, can not fail to raise the mind of every reflecting person to the Author and Giver of all good, and to fill them with reverence and the most lively gratitude; nor to impress upon them sentiments of respect and attachment to that Government which it has pleased Almighty God to make the instrument of His beneficent purposes towards us and to the nation to which we belong. The cultivation of such sentiments is a duty incumbent on every member of society, but it lies particularly with you, gentlemen, as representatives of the people, to set the example, and by good laws, tending to the promotion of religion, patriotism, and virtue, without which the happiness of no people can be durable, to the protection of property, which is a great object in all free governments, to the due administration of justice, without which, property can not be secured, vice repressed, nor crimes be punished, and to the improvement of morals and manners, which embellish social life, and give a zest to all its enjoyments, to evince the sense you have of our present blessings, and the desire that they should be continued and extended; and it will be a heartfelt pleasure to me, gentlemen, to join with you in every measure that can have those tendencies, and, by carrying them faithfully into execution, to contribute to give them all the effect which it must be your wish they should produce.

Coming, gentlemen, from the different parts of the Territory, and after a considerable time spent in them, during which, the operation of the laws passed at the last session must have fallen under your particular observation, and their defects, if they have any, been discovered, you will be able to devise with intelligence the proper remedies, and to provide such new laws as may yet be necessary for the peace, the security, and prosperity of the people.

To the soil of that tract of country lying along the line of boundary between Pennsylvania and this Territory, commonly called the Connecticut Reserve, though it was comprised within the limits of the North-western Territory, as established by the Ordinance of Congress, the State of Connecticut laid claim, and it also claimed a right to the jurisdiction. The jarring claims of jurisdiction between that State and the government of the Territory, might have been productive of much evil; but it has been happily obviated by the relinquishment by Connecticut to the United States of all claim to the jurisdiction, and the acceptance of the same by Congress at their last session, and by the confirmation then made to that State of their claim of right to the soil, so that thereby it became completely a part of this Territory; and it has been erected into a county by the name of Trumbull, in which there are already a considerable number of people, and there is every reason to believe that it will very soon be filled up with sober, industrious inhabitants. Situated, gentlemen, as we are, in a country bordering upon many savage tribes, with whom (the principles of religion and justice are out of the question) it is our interest, and should be our policy to be at peace, it is clearly necessary that the treaties made with them by the Government of the United States should not be contravened with impunity by any of the inhabitants of this Territory, and it may be proper that the general regulations that have been established with respect to them, should, sometimes, be aided by municipal laws; and this has, by the Ordinance for the government of the Territory, been made a duty. Speaking of those tribes, it says: "In their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful laws, authorized by Congress, but laws founded in justice and humanity shall, from time to time, be made for preventing wrongs being done to them, and for preserving peace and friendship with them." Justice, gentlemen, is as much a duty of societies as of individuals, and our holy religion commands that whatever we would that others should do unto us, we should do unto them. To act honestly, fairly, and justly, and to perform our promises to Indians, with whom the nation is at peace, is as much a duty, or more so, as to those who are in the highest state of cultivation, and it is within the sphere of your legislative power to compel it.

It has long been a disgrace to the people of all the States bordering upon the Indians, both as men and as Christians, that, while they loudly complained of every injury or wrong received from them, and imperiously demanded satisfaction, they were daily offering to them injustice and wrongs of the most provoking character, for which I have never heard that any person was ever brought to due justice and punishment, and all proceeding from the false principle that, because they had not received the light of the gospel they might be abused, cheated, robbed, plundered, and murdered at pleasure, and the perpetrators, because professed Christians, ought not to suffer for it. What kind of Christianity is this, or where is it to be found? Surely, not in the gospel of Jesus Christ. And what an obstacle it must throw in the way of such of them as might be desirous to embrace that religion, the doctrines of which we profess to believe to be founded on unerring wisdom and the precepts given by the command of God himself, when they see it so totally disregarded by us with respect to them. I hope we shall be careful that no reproach of this nature shall attach to us. But it would be criminal to conceal from you that the number of those unhappy people who have been killed since the peace at Greenville, in consequence of this diabolical principle, is great enough to give a very serious alarm for the consequences. A late attempt to bring to punishment a person who, with another, had killed two of the Six Nations, and wounded two of the children, in Trumbull county, proved abortive. Though the homicide was clearly proved, and that it was committed with deliberate malice, the perpetrator was acquitted. Under such circumstances, can it be expected that any people, civilized or savage, will remain at peace? Have we not reason to fear the displeasure of the Almighty, who looks with an equal eye on all His creatures, and that the rage of the savage may be let loose to vindicate His broken laws? Effectual measures should be taken to insure to the Indians all the privileges they are entitled to by treaty—to render redress of wrongs easy to them, and to compel jurors to do their duties, by temporal pains and penalties where the sanction of religion fails of producing that effect.

The nomination of two persons, gentlemen having the qualifications required by the Ordinance of Congress, whose names are to be returned to the President of the United States in order that one of them may be appointed to fill the vacancy in the legislative council, occasioned by Mr. Vanderburgh's having fallen into the Indiana Territory, and the election of a person to represent the Territory in the Congress of the United States in the room of Mr. Harrison, who has been appointed the Governor of Indiana, will claim your early attention.

Writs, gentlemen, for a new election were, conformably to the law to regulate the election of representatives, sent into all the counties, except Adams and Wayne, from neither of which the returns necessary to found the writs upon were received. In the county of Adams neither the act for ascertaining the number of free male inhabitants of the age of twenty-one, nor the act for levying a Territorial tax on land, nor the act to regulate county levies, have been carried into execution. Because the printed laws did not reach that county till after the day when the court of quarter-sessions were required to appoint the necessary officers, the court thought, it seems, that they could not be appointed at an after day. Had the courts of the other counties been as cautious, those laws had as well not have been made; there would have been no fund for redeeming the auditor's certificates; the public debts would have remained unpaid; public credit have been totally destroyed, and many individuals, who had freely taken those certificates as money on the public faith, have been ruined. Those certificates, notwithstanding, still maintain a credit, but it never was general, and it seems that some measures will be necessary to create a greater degree of confidence in them, for to some such expedient you will again be obliged to resort, as the present scarcity of money to raise the necessary supplies for the support of Government, in specie, will be impossible. It may also be necessary to oblige the county of Adams yet to execute the law for levying a Territorial tax on land, and to raise the county levies this year, for the payment of two years' taxes at one time would bear too hard upon the people; and the fault lies not with them; neither will the state of the finances well admit of the delay that would be thereby occasioned, for the separation of the counties below, on which considerable expectations for the support of public credit were founded, must necessarily cause a considerable deficiency in the revenue, and, without the county tax, great inconveniences must be felt in the county itself. The state of the revenue, together with the conjectural defalcation occasioned by the above-mentioned separation, and the want of the returns of appropriated lands in the counties of Hamilton, Adams, and Ross, from the office of the surveyor of Kentucky, where the entries were made, will be laid before you by the proper authorities.

The freedom and purity of elections are the very soul and spirit of representative governments. If the electors are under any undue influence, though they may give their votes, they do not make their choice; and if they are corrupted, the wholesome stream which should flow through the whole body politic is poisoned at its source, and must carry that poison with it through all its ramifications. The law to regulate the election of representatives seems to have guarded, in some measure, against the most common and open measures of corruption, to-wit: bribery, threats, and treating with meats and drinks. But some additional sanction besides disqualification to hold a seat in either branch of the legislature for two years, seems to be necessary, for any or all of those means of corruption may be, and if they are ever used, will probably be used by persons to whom that disqualification would be no punishment, not for themselves indeed, but for others; and it would be very difficult so to fix the offense upon those who employed them as to bring the punishment home to them. There is, also, another species of corruption, which does not fall within the description of any of those enumerated, that requires to be, perhaps, more strongly guarded against. The lands in this country have been generally held, at first, by a few individuals, in large quantities, and sold out by them in parcels on credit; hence it happens that, in some of the counties, the greatest part of the people are their debtors, and in the existing scarcity of money, were the payment of those debts to be rigorously exacted, they would be exceedingly distressed. A demand of the debts, accompanied by the slightest hints that in case of voting for a certain candidate further time would be given, would have a certain, probably a more certain influence than a direct proposal to buy their votes. Hence, a few persons, in the different counties, combining, would have it in their power to influence the whole elections in the country, and, instead of a representation of the people, we should have a representation of the great landholders only, who, no doubt, would serve their interests in preference to those of the whole people. It may, therefore, be not improper for you, gentlemen, to consider whether the mode of election by ballot should not be substituted for that now used, *viva voce*, as the best way of guard-ing against that not improbable evil; for though it be true that the mode by ballot is liable to much deception and intrigue, it is free from that kind of influence I have mentioned. No measure can, of itself, be simply good; the circumstances of the case to which it is to be applied determines its propriety. In the State of New Jersey, formerly, the people in one part of the State voted at their elections openly, and those in another part of the same State by ballot. I know not whether they do not continue to do so still.

A difficulty, gentlemen, has occurred in executing the law for the trial of small causes which should be removed. The jurisdiction of every justice of the peace is limited by that act to the township in which he resides, "and his precepts and process shall run in and through such township, and may be executed therein, and no where else;" hence it has been supposed that the inhabitants of one township, in the same county, are not bound to obey a subpœna to give testimony, issued by a justice residing in another township, in the same county, and that the justice is not warranted in issuing such subpœna; and plaintiffs have been defeated in their demands, and defendants in their justifications, from the want of their witnesses, arising from this cause, and obliged to pay costs.

The boundaries of counties being ascertained by words only describing courses that have never been run, and none of them marked, the jurisdiction of the courts and the administration of justice may, thereby, in some cases, become uncertain, and the collection of the public revenue be affected by that uncertainty. It is highly probable that many parcels of unimproved land must be offered for sale for the payment of taxes. It would be a plea for delay, at least, that the land does not lie in the county in which it has been advertised to lie, and delays in the collection of the revenue are injuries to public credit; and in criminal cases it would be good ground for quashing an indictment, that the offense, how heinous soever it may be, was not committed in the county where it was laid to be committed, and that act would have to be ascertained by an actual designation of the boundaries, or one of them at the least, before the court could proceed to trial. It will, therefore, be proper to provide for establishing the boundaries of the counties that now exist, and of new counties that may be from time to time erected.

Many towns have been laid out in this country and the lots sold. I do not know that the plats of any of them or the conditions on which the lots were granted, or the privileges conceded to the inhabitants, such as commons of ground for public use, have been upon record; there is no law which requires it, and the purchasers in those towns are left in a state of too great uncertainty. It would seem proper that the proprietors of towns already laid out should be compelled to put the original plats upon the records of the counties where they respectively lie, and that they should make oath that all the grounds promised for public use for common or pasture, and every other advantage held forth as inducements to people to become inhabitants of those towns, are truly laid down and marked upon those plats; and in case of refusal to make oath, or that they are dead or removed out of the Territory, that the same should be ascertained by the oaths of a certain number of the inhabitants themselves and recorded, and that the plats of all towns hereafter to be laid out shall be recorded before the lots are offered for sale.

In my communication to you, gentlemen, at your last meeting, I took notice of the generous provisions which the United States had made for learning, for education, and for the maintenance of religion in the Territory, by the grant in trust to John Cleves Symmes and his associates of one complete township of six miles square, at or near the center of the tract of land granted to them, of the exception out of the general grant of two sections in every township within its limits for maintaining schools; and of one section in every township for the maintenance of religion, and that they were reserved for those purposes; that no advantage had occurred from any of them, because Mr. Symmes and his associates had failed to set out the township for an academy, according to the terms of their trust; and that the townships for schools and religion being only reserved but not granted, and both the fee and the possession remaining in the United States, the legislature had no power over them; and that an act of Congress was necessary to vest them either in the Territory at large or in trustees. A resolution was in consequence entered into, the preamble to which sets forth that the greatest part of the township, originally intended as the College Township, had been alienated by John Cleves Symmes, and there remained only the sections Nos. 8, 11, 16, 26 and 29, and instructions were given to the representative in Congress "to use his endeavors to procure an act of Congress to be passed at the then session, vesting in certain trustees, resident within the grant of land made to John Cleves Symmes, and described in the patent aforesaid, the right of the aforesaid lots Nos. 8, 11, 16, 26 and 29, in the third township east of the Great Miami, and first entire range in the grant aforesaid, to be holden by the said trustees and their successors, in trust, to and for the sole use, intent and purpose of establishing an academy and endowing and supporting the same." And he was further instructed, if practicable, to obtain a grant of thirty-one sections of land in a body, lying on the bank of the Great Miami River, on the west side, and so high up the said river as to lie in a square, and the whole thereof to be east of a line extended due north from the mouth of the said Great Miami River to and for the uses, intents and purposes aforesaid, and in lieu of those alienated by the said J. C. Symmes, to make good the trust aforesaid or render an equivalent for the same, to be appropriated agreeably to the same use and intent of the original donation. It does not appear that any thing was done by the delegate in consequence of these instructions, and the matter remains in the same situation as before. No township within the grant to Mr. Symmes and his associates has been set out for an academy; and the fee of the sections to be applied to schools and religion still remaining in the United States, no use can be made of them, and all the advantages to be expected from both are postponed, to the public detriment. But I will observe on the instructions that, whatever pains the delegate might have taken to fulfill them, there was no probability that they would be successful. If Mr. Symmes and his associates had failed in a contract with the United States, in which the people living within the limits of the grant made to them were interested directly, and all the rest of the people of the Territory collaterally, or had broken a trust made to them by the United States for the special benefit of those people, it was not to be expected the United States would make it good. Had the trustees, after the breach of their trust, proved insolvent, the people within the grant might have had some equitable claim upon the United States; because, though the grant was gratuitous, and made for their benefit, they had no share in appointing the trustees, and the advantage to be derived from the establishment of seminaries of learning being evidently great, the expectation that they would be established became an inducement to them to give higher prices for the land than they would otherwise have given, and, of course, they paid, though not directly, a valuable consideration for that very township; on that consideration the United States might have given a compensation in money; in land they could not; it is already appropriated to other purposes.

But the trustees were not, and are not, insolvent; and, if from any improper act of their own, they can not fulfill their trust by setting out the township always contemplated and designated by themselves as the college township, nor give any other in lieu of it, except one of far inferior value in itself, and incumbered with a lawsuit for one-half of it, and claims to a part of the remainder, which Mr. Symmes has declared is the only one he has to offer, application should be made to Congress, either by their own officer, to compel Mr. Symmes and his associates to make satisfaction in the shape of damages for their breach of trust, or to allow the people living within the grant, who are those only directly interested, to make use of the name of the United States for that purpose, a small part of the value of that township in money as would be sufficient to defray the expense of the necessary buildings; and the overplus, placed out on good landed security, would produce an interest more than sufficient for supporting the institution, and it could be put on foot immediately. I lay before you, gentlemen, a representation on this subject from a number of the inhabitants of the within grant, presented to me some time ago.

The provision, gentlemen, in the act, supplemental to the act "to prevent trespassing by cutting of timber," which exempts persons holding by lease lands in college townships, or other lands appropriated for schools and religious purposes from the penalties of the act to which it is a supplement, seems to be too general; the persons contemplated and intended to be relieved were doubtless those only within the limits of the grant to the Ohio Company, for there those lands were expressly granted to the directors of the Ohio Company in trust, within the limits of the grant, to John Cleves Symmes and his associates, they are expressly excepted and reserved of the United States. The directors of the Ohio Company, as trustees, have full power and authority over those lands to lease or otherwise turn them to benefit conformably to the trust. But no person has any authority over, power to lease, or in any other way to meddle with those within the grant to John Cleves Symmes, and yet the generality of the expression in the supplemental law would exempt those persons who hold any of those lands by lease from the penalties of the act to prevent trespassing by cutting of timber, and to legalize any leases that may have been made. If one unauthorized person may make leases of the reserved lands, why may not any person make such lease? The effect would probably be that many of them would be entirely stripped of their timber before they fall under the direction of the legislature. The provision should be explained and restrained to the lands of that description within the grant to the Ohio Company.

The militia has not been organized under the act for regulating and establishing the militia, passed last session, owing to the returns of the divisions of the counties into regimental, battalion, and company districts not having been made in time to the Adjutant-General, nor has any officer been appointed under it but the Adjutant-General. All the returns are not yet received, and on them the organization is to be formed; the act, however, will require revision, for those divisions are directed to be made by the field and company officers, and there were none existing, that act having repealed all the old laws relating to the militia, and consequently vacated all the commissions. Believing it to have been the intention of the legislature that the officers in commission under the old laws should make the divisions directed by the new law, they were ordered so to do, but it may be necessary to recognize their proceedings in cases where they have taken place, and to authorize and require them to proceed where it has not been done.

I have made all the foregoing observations, gentlemen, in the belief that they were of some importance; and I have communicated them under a certain conviction that they will receive all the consideration they are entitled to, and I have been the more particular in them, because this is the last time we can meet in our present characters. My term of office and yours, gentlemen of the House of Representatives, will very soon expire. It is, indeed, very uncertain whether I shall ever meet another Assembly in the character I now hold, for I well know that the vilest calumnies, and the grossest falsehoods are assiduously circulated among the people, with a view to prevent it. While I regret the baseness and malevolence of the authors, and well know that the laws have put the means of correction fully in my power, they have nothing to dread from me, but the contempt they justly merit. The remorse of their own consciences will, one day, be punishment sufficient; their arts may, however, succeed. Be that as it may, of this I am certain, that, be my successor whom he may, he can never have the interests of the people of this Territory more truly at heart than I have had nor labor more assiduously for their good than I have done; and I am not conscious that any one act of my administration has been influenced by any other motive than a sincere desire to promote their welfare and happiness.[1]

---

[1] The legislature convened on the 5th of November, on which day the Governor met both Houses in join convention, and addressed them as above. The following extracts from the journal of legislative proceedings may prove interesting:

FRIDAY, *November 7th.*

Messrs. Langham, Smith and Darlington were appointed a committee to bring in a bill for the admission and practice of attorneys and counselors

[*]Answer of the Legislative Council.

Sir:—The Legislative Council partake with your Excellency in the pleasure arising from this interview, after so long a separation.

And, while we behold with deep-felt concern the horrors of war laying waste the greater part of the civilized world, we unite with you in the most lively sense of gratitude to the Great Ruler of the universe, under whose auspicious care of the Government of the United States we are preserved from the calamities we deplore, and that we still enjoy peace and its concomitant blessings. Persuaded that to the wise and energetic measures of that Government we must in a great degree attribute the tranquillity we possess, we can not but be impressed with sentiments of the strongest respect and attachment towards you.

The several important matters which in your communications you have laid before us merit our most mature deliberation, and we will cheerfully unite with the House of Representatives in giving them all the attention they demand; yet, viewing the task as arduous, we earnestly solicit every information your Excellency may be pleased to communicate.

It is with real concern and indignation that we view the malicious

---

at law; Messrs. Meigs and Langham, a committee to bring in a bill defining seals affixed to instruments of writing; and Messrs. Ludlow, Darlington and Kimberly, a committee to bring a bill for establishing courts for the trial of small causes.

The Rev. William Spear, of Chillicothe, was elected chaplain to both Houses.

Messrs. Fearing, Worthington and Kimberly were appointed a committee to consider the act for levying a tax on Territorial land, and an act to regulate county levies.

Messrs. Fearing, Sibley, and Kimberly, were appointed a committee to prepare an address to the Governor in answer to his speech.

Mr. Massie laid before the House a resolution, which was read and agreed to by the House, in the words following, to wit:

Whereas, It is the opinion of this House that the Ordinance for the government of this Territory, has vested the right of laying out and erecting new counties in the legislature thereof; and, whereas, his Excellency, the Governor, has differed in opinion from the House on that subject; therefore,

Resolved, That a committee be appointed on the part of this House, jointly with such committee as may be appointed on the part of the legislative council, to prepare an address to his Excellency on that subject, expressive of their regret on the difference of their opinion, and that the said committee be directed to point out in said address that part of the Ordinance which gives said power to the legislature.

A committee was appointed of Messrs. Massie, Goforth and Worthington.

attempts to asperse the character of your Excellency; and, though the provisions of the law might subject the authors to punishment, yet we agree with you that attempts so despicable and weak merit no other notice than the utmost contempt.

Believing that your general conduct as chief magistrate has been dictated by a pure desire to promote the interests and welfare of the people of this Territory, the Legislative Council feel it a duty incumbent on them, at this time, to express their confidence in your administration, and wishes for its continuance.

ROBERT OLIVER,
President of the Council.

COUNCIL CHAMBER, *November* 11, 1800.

THE GOVERNOR'S REPLY.

Gentlemen of the Legislative Council:—I must acknowledge to you that this affectionate address has given me great pleasure. The interest you take, gentlemen, in my reputation, and indignation you express against the malicious attempts that have been made to destroy it are extremely grateful, and they give good ground to believe that, while my endeavors have been honestly and conscientiously directed to the welfare of the people, the means used to attain that end have not been ill-chosen.

Upon any and all of the subjects recommended to your consideration, gentlemen, every information in my power shall be cheerfully communicated.

The confidence you express in my administration, and your kind wishes for its continuance, demand my warmest thanks; should that happen, it will be my study, while I steadily pursue the path of duty, to accommodate the measures to the ease as well as to the general benefit of the people, and thereby to justify that confidence; and I should very ill answer the views and expectations of the Government of the United States if I neglected any thing which would contribute to that end.

ANSWER OF THE HOUSE OF REPRESENTATIVES.

Sir:—At the close of our last session, when prorogued to meet at Cincinnati, we little expected that our place of assembling would have been changed; nor did we contemplate that Congress would pass a law upon a subject which so immediately concerned the citizens of this Territory, and which we humbly conceive belongs exclusively to this legislature; but, sir, as you conceived it your duty to comply with the provisions in that act contained, and in conformity thereto have convened us at this place, we most cordially acquiesce, and are happy to meet your Excellency in health, and we trust that the changing of our seat of government will in nowise tend to interrupt our deliberations, or to render them the less beneficial to the community. We unite with you, sir, in ascribing praise and adoration to the Supreme Ruler of the universe, for the numerous blessing that He, in infinite goodness, has been pleased to bestow upon the United States; and that under His auspicious care, and the wise administration of the laws of the Union, we have been preserved in the uninterrupted enjoyment of peace and tranquillity.

We view with extreme anxiety the spirit too prevalent among a certain class of the inhabitants of the Territory to invade the rights of our Indian neighbors—a spirit which, if not checked in due time, must eventually produce alarming consequences to the community at large. Be assured, sir, that we are ready, on our part, to concert such measures as may have a tendency to preserve peace and friendship with that injured people, and to guarantee to them their rights and privileges.

That our laws are in some instances defective we acknowledge, but we hope, by amending those which are faulty, and by enacting new ones where there is a deficiency, to obviate those imperfections, and thereby to render our code useful and pleasing to our constituents.

The several objects which your Excellency has been pleased to recommend to the attention of both houses, together with such others as you may hereafter think proper to communicate, shall receive our timely and attentive consideration.

We regret, sir, that calumny and falsehood should be resorted to in order to render your administration unpopular among the good people of this Territory. But we trust that the services you have heretofore rendered to the cause of liberty and your country, together with the manifest purity of your intentions since you have been intrusted with the dignified office you now fill, will be a sufficient shield to guard you against the unprovoked attacks of the wicked and malevolent.

EDWARD TIFFIN,
Speaker of the House of Representatives.

THE GOVERNOR'S REPLY TO THE ANSWER OF THE HOUSE OF REPRESENTATIVES.

CHILLICOTHE, *November* 17, 1800.

Gentlemen:—I return you my thanks for the answer to my address to both Houses of the legislature on opening the session, which you have been pleased to transmit to me by your committee, and by that committee this reply will be presented to you. As you thought proper to leave to me the choice of the alternative, whether your answer should be delivered by the House, through the speaker, or by a committee, the preference was given to a committee, because I had then no place to which the House could be conveniently introduced, but as it is out of the usual way, it ought not to be made a precedent.

I can not doubt, gentlemen, that had it rested with me to direct it, you would have cordially acquiesced and convened at any place you might have been called to meet at.

The act of Congress which divided the Territory into two districts made each of them a new government, and if the legislature that had been before appointed and chosen in the eastern district, as well as the executive appointments, had not been expressly preserved, a new organization of the whole must have taken place. When you have considered the matter in this point of view, you will, I think, gentlemen, be sensible that it could not be improper in Congress to ordain the place where the first session of the legislature, under the new order of things, should be held, leaving it to that legislature either to continue it there or remove to a more convenient place, and that it could not possibly be the exclusive right of a legislature that had never met to determine where they should assemble. It would be evidence of a littleness of mind and an improper attachment to local interests, which, I trust, gentlemen, will never be discovered amongst you, that a change in the place of your meeting should in anywise interrupt the deliberations of the legislature, or render them less beneficial to the community.

While we, with sincerity, gentlemen, unite in our acknowledgments to Almighty God for the numerous blessings we enjoy, and with humility and singleness of heart look up to Him for protection and assistance, we may reasonably hope that those blessings will be continued to us, and that in the discharge of the public duties we are now met to perform, we shall be directed to such measures as will best tend to the preservation of tranquillity amongst ourselves and of peace with our neighbors, and which will entitle us to the further attention and care of the United States.

It is with much satisfaction, gentlemen, that I receive the declaration of the House of Representatives that, in the administration of the government, the purity of my intentions, ever since that high trust has been committed to me, has been manifest; and I am sensibly touched, by the regret you express, that falsehood and calumny have been resorted to in order to render that administration unpopular.

While I enjoy, gentlemen, the pleasure that must ever result from the consciousness of upright intentions, I presume to think that it is by falsehood and calumny only that the acts which have been consequent to those intentions can be impeached.

To raise groundless jealousies in the minds of the people, and, by malicious aspersions on the characters of their magistrates to destroy that confidence, which, for their own sakes, they ought to have in them, is doing a real injury to society. They are, however, the means which are generally used by ambitious, designing, and envious men to accomplish their purposes; and when they have been used so often against the wise and good in all ages, I ought not, perhaps, to complain that they have been also applied to me.

ADDRESS OF THE LEGISLATIVE COUNCIL AND HOUSE OF REPRESENTATIVES TO HIS EXCELLENCY GOVERNOR ST. CLAIR.

Sir:—The Legislative Council and House of Representatives, with regret, observe that a difference of opinion has arisen between their chief magistrate and both Houses, on the construction of that part of the Ordinance for the government of this Territory which authorizes the laying out new counties.

Having naturally considered and examined the Ordinance, we find no reason to change our opinion. Although the Ordinance directs that "the Governor shall proceed, from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished into counties and townships, subject, however, to such alterations as may hereafter be made by the legislature," yet, we can not help believing that the power thus given was only intended to be exercised by the Governor before the organization of the General Assembly, and that the clause in the Ordinance appears to have a more immediate reference to our government in that stage; for that part of the Ordinance which defines the power of the General Assembly gives "the Governor, Legislative Council, and House of Representatives the authority to make laws in all cases for the good government of the district, not repugnant to the principles and articles in this Ordinance established and declared."

It appears to the two Houses that this right naturally devolves on the General Assembly, for it is a general legislative act within every State in the Union. Coming from the different parts of the district, it is reasonable to suppose that the members of the two Houses have a better knowledge of the part of the country they represent than any other person besides. The Ordinance is silent on the mode to be adopted in fixing the place for the seat of justice within the different counties, which, of course, must become a legislative act, and a county laid out by any other power than the legislature could direct where the courts of justice should be held. When we reflect on the consequences which may ensue from such a difference of opinion, we are induced to ask your Excellency again to examine the subject, for should it be made a judicial question, which we conceive it is subject to, and be determined by the Supreme Court of the Territory that it is a legislative act, all the proceedings had in said county would, of course, be void, and the two Houses are fully of the opinion that when a county has been already laid out, that any county to be erected within said county, or part of two counties to be erected into one, there must be an alteration of the boundaries of said counties, and, of course, requires a legislative act.

The Legislative Council and House of Representatives do further request, that when any bill or bills shall be presented to your Excellency for your approbation which you may not approve, that such bill or bills be returned within ten days after your Excellency may have received the same, to the House in which they originated, stating the objections you may have thereto, and we trust your objections will receive all the attention and be treated with all the respect that the two Houses are capable of. And we can not but observe, that it may be the cause of that free communication so necessary in all legislative bodies.

GOVERNOR ST. CLAIR'S REPLY.

Gentlemen of the Council and of the House of Representatives:—I had yesterday the honor to receive, by a committee of both Houses, a joint address from you, on the subject of some difference in opinion that existed at a former meeting, on the true construction of that part of the Ordinance for the government of the Territory which authorizes the laying out new counties.

It was with real concern, gentlemen, that I found in that address these words: "Having maturely considered and examined the Ordinance, we find no reason to change our opinion." I had, gentlemen, examined and considered the Ordinance as attentively as I was capable of doing it before I ventured to inform you of the grounds on which my dissent to several bills presented at the last session had been founded. As you, however, have adduced some reasoning in order to show that the opinion then founded by me was a mistaken one, I will examine that reasoning, and compare it with the Ordinance.

You acknowledge, gentlemen, that the Ordinance "has given power to the Governor, from time to time, as circumstances may require, to lay out the parts of the district in which the Indian title shall have been extinguished into counties and townships, subject, however, to such alterations as may hereafter be made by the legislature;" and you say, "that the power thus given was only intended to be exercised by the Governor before the organization of the General Assembly," because "that clause appears to have a more immediate reference to our government in that stage." This inference, to me, gentlemen, does not appear to follow. The words of the Ordinance are, "the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal or civil, the Governor shall make proper division thereof; and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles may have become extinct into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature." There is no question between us as to the first stage of the government. You agree that the Governor had the power, and that it was his duty, for the purposes above mentioned, to lay out counties, free from any limitation or restriction whatever. The natural inference from the words is, that the Governor has still the power to erect counties, subject to such alterations as may thereafter be made by the legislature; for, as I observed on a former occasion, a thing must of necessity exist before any alteration can possibly be made in it; and there is nothing else but the act of erecting a county to which the word "thereafter" can possibly be applied. But, gentlemen, this power of the Governor rests not on a chain of reasoning, and the inferences that may be deduced therefrom. It is made expressly his duty. "The Governor shall from time to time, as circumstances may require, proceed to lay out the parts of the district in which the Indian titles shall have been extinguished *into counties and* townships;" and a good reason is given why this duty is required of him, to-wit: for the prevention of crimes and injuries, and for the execution of process, criminal and civil. It may be true, gentlemen, that this power might have been better vested in you, or in the legislature. I will not dispute it. I will only observe that the Congress did not think fit so to vest it.

It appears evident to me, gentlemen, that both the first and the present stages of the government were fully in the contemplation of Congress, for the words used are, "the laws adopted or made shall have force in every part of the district;" and they are connected with the grant of the power we are considering. Now, it is certain that in the first stage of government no laws could be made; the Governor and judges had the power conferred upon them of adopting the laws of any of the original States which they might think were suited to the circumstances of the district; but Congress would not permit them to make laws. The laws, then, which were to be made, and for the due execution of which the Governor was required to lay out the district into counties, were laws made by the legislature, whenever it should be established, and as long as the temporary government lasted. Analyze, gentlemen, the clause of the Ordinance, and I believe you will find it to amount to this, and no more. Previous to the organization of the General Assembly, the Governor shall lay out the parts of the district in which the Indian titles shall have been extinguished, that is, such parts as are inhabited or free to become so, into proper divisions for the prevention of crimes and injuries, and for the execution of process, etc., and after the organization of the General Assembly, the Governor shall lay out the parts as above into counties and townships, subject to such alterations as the legislature may afterwards make. There was no necessity that the first division should have borne the name of counties, and they were truly counties in name only, and did not become so in fact until the General Assembly was organized, when each of them took their proper share in the legislature of the whole country. I pray you also, gentlemen, to observe that the words of the Ordinance were not merely directory to the Governor, but mandatory: "The Governor shall proceed from time to time, to lay out counties." Neither, gentlemen, does it appear to me that the argument drawn from the general legislative power of the Assembly, in any manner supports your inference, or militates against the claim of the Governor in the case; for it is expressly declared that their acts shall not be repugnant to the principles and articles detailed in the Ordinance, and it appears impossible to read the Ordinance with attention without discovering that the power of the Governor to lay out counties is one of the principles.

Whether the erection of counties be "a right that naturally devolves upon the General Assembly," that is, whether it be an executive or legislative act, is, perhaps, not so certain as you seem to think it. It would not, indeed, be very difficult to demonstrate that it is purely executive. But it is not necessary to go into that discussion, because Congress has made it an executive duty. What, gentlemen, could be intended by the words: "They shall proceed, from time to time, as circumstances may require, etc.," but that, as the first division of a country, just beginning to settle in different and distant parts, must necessarily be large, and when the inhabitants increased in those parts and the prevention of crimes and injuries and the execution of process became thereby difficult, they should be subdivided; and the Governor is commanded so to proceed; and in the first stage of the Government, without limitation or restriction, for the Judges were not let into this executive act, though they were into the adoption of laws; and in the second stage, subject to such alterations as the General Assembly should think proper.

The practice of several of the United States, with regard to forming counties, whatever it may be, can not convert an act properly executive into an act properly legislative.

It is known that the legislatures of some of them do exercise powers that are properly executive. But this proves nothing but that, in the formation of their constitutions, a very accurate distribution of executive and legislative power was not made. But all of them who established counties by a legislative act do not consider it as an act of a general legislative nature. If you will take the trouble, gentlemen, to open the code of Virginia, you will find that the acts for dividing counties are denominated private acts, and that, though that State has gone more into the principle of dividing counties than any other, it has not been thought necessary to print the acts, and the title of them only appears in the statue books.

It is certainly reasonable, gentlemen, to conclude that the whole of the members of the Council and of the House of Representatives, when met together, possess a better knowledge of the whole country than any one of them; but it does by no means follow that, because any one gentleman is a member of either of those Houses, he possesses a better knowledge of the part of the country which he represents than any other person. It is also reasonable to conclude that when a duty, to the proper execution of which a general acquaintance with every part of the country is necessary, has been imposed upon any person, the means necessary and proper to acquire that acquaintance will be used, and that as the laying out counties, to the doing of which with intelligence, that general knowledge is necessary, has been made the duty of the Governor, he will not neglect the means of acquiring it.

It is, gentlemen, an incontrovertible maxim, that whoever has the power to ordain an end, has also the power to ordain the means; and that, when an end is ordained, the means necessary to attain it are given, though they may not be expressed. You infer from the silence of the Ordinance with respect to the seats of justice in the counties, that the fixing them must of necessity require a legislative act. I must take the liberty to think that inference does not follow. The end to be attained by the erection of counties is the prevention of crimes and injustice, and the regular administration of justice. The means are magistrates, sheriffs, courts, and their officers. But courts would be useless without a fixed place for their sessions, from whence their process is to issue, and to which it must be returned. It can not be denied that it is the duty of the Governor to see that the laws are executed and justice duly administered, and that it is by magistrates and courts this is to be effected.

To leave them at liberty to hold those courts where they thought proper, and wander over the counties, sitting sometimes at one place and sometimes at another, as any whim might strike them, would render them worse than useless, and the end, which is the due and regular administration of justice, would be defeated.

It is, therefore, the duty of the Governor to direct the places where their sessions shall be held, and to confine them to those places. The prevention of crimes and the administration of justice is the end for which counties are erected, and it has been made the duty of the Governor to erect them,

But justice can not be duly and regularly administered, unless the courts meet at fixed times and places. It is one of the means by which the end is to be attained. It, therefore, is the duty of the Governor, and he has the power to appoint those places. You seem to think, gentlemen, that a judicial question may arise on this right. I believe it to be impossible that it can. But, admit that it should, and that the judiciary should put a construction on that part of the Ordinance differing from that by which the Governor may have been guided, the consequences you apprehend would not follow. Your observation that a county can not direct the place where the courts of justice are to be held is correct, and it is also certain that they must be fixed to some place by a competent authority, and that either the executive or the legislature, according to circumstances, may be that competent power.

The Ordinance of Congress has placed it in the Governor, and, therefore, he is, in our circumstances, that competent power. Should the judiciary determine that it is the proper business of the legislature, and not of the Governor, to erect counties, it would only be upon abstract principles, and would not affect what had been done before. They would stand, and every thing that had been done in the counties, so far as they were connected with that question, would be valid. Should the Executive and the legislature think proper to conform to the opinion of the judiciary, well and good. It would be a rule for their future conduct; but, should they or either of them refuse to conform to it, would the judiciary compel them? It is clear they could not. But it is a question that can never come before the judiciary of the Territory. It is not competent to decide upon it; neither can it be decided by any other body but the Congress of the United States. It has, indeed, gentlemen, been a subject of no small regret to me that there should have ever been a difference of opinion between any of the branches of the legislature; I even regret that the present discussion has been entered into, because I fear that it is not the way to draw them closer together, which I ardently wish, not only on the subject of counties, but of every other that may come before them. But, to evince to you that it is my sincere desire to harmonize with you, if a bill shall pass your Houses enacting that, whenever five hundred or more free male inhabitants of twenty-one years of age, residing together in any part of the Territory, shall desire to be separated from the county in which they reside, and that the district which they actually inhabit may be erected into a new county by certain limits and lines of boundary, the Governor shall erect such district into a county, it shall receive my assent; provided, that means are therein pointed out whereby the Governor may be truly informed that there are actually not less than five hundred free males of twenty-one years of age, residing in the proposed limits, and, provided, that it shall be made to appear that the proposed separation will not reduce the number of inhabitants of that description in the original county below five hundred.

It is a fixed opinion with me, gentlemen, that, the moment a county is erected, that moment, be the number of inhabitants what they may, they acquire a right to be represented in the legislature; and I am much persuaded that you will find the opinion correct. But the Ordinance for the government of the Territory has declared that for every five hundred free males of twenty-one years there shall be one representative, consequently a less number can not be represented in the legislature, and, consequently, I can not consent to any division of counties which would confer the right of being represented upon a smaller number than that ordained by Congress. By the expedient above proposed, a principle upon which counties could be divided and new ones erected, conformably to the Ordinance, and with little trouble, would be fixed; and it would also be conformable to that other well-established principle, that representation and taxation ought to go hand in hand. You will, I trust, gentlemen, be sensible that my resistance in this instance proceeds from a sense of duty, because a compliance with your wishes would evidently relieve me from a great weight of responsibility, at the same time that my influence would probably be increased, if, as we so often hear, an increased patronage would have that effect; for the creation of a great many new counties must necessarily be followed by a great many new offices, all in the gift of the Governor.

As to your request, gentlemen, that, "when any bill or bills may be presented for approbation which may not be approved, I shall return them, within ten days after they have been received, to the House where they originated, with the objections I may have thereto," I am sorry to say that it is altogether out of my power to comply with it. The Ordinance for this government has placed in the Governor an absolute negative upon the acts of the two Houses, and you request that it may be converted by me into a kind of qualified negative. You do not require, indeed, that, should the objections be deemed of little weight, your acts may become laws without the assent of the Governor; that would have been too directly in the face of the Ordinance, which declares that "no bill or legislative act, whatever, shall be of any force without his assent." Though I can not doubt, gentlemen, that the objections which might be offered to a bill or bills would receive the greatest attention and be treated with respect by both Houses, it does not appear to me that the desirable consequences which you contemplate would necessarily follow, for, as I observed on a former occasion, you are under no constitutional obligations to consider them; and, should they be considered, and the Houses adhere to their bills, they must still go back to the Governor for his assent, and, should he adhere to his objections, so far from producing conciliation, it would most probably, after a loss of a good deal of time and a waste of public money, issue in a very inconvenient degree of irritation between the component parts of the legislature. The only way, gentlemen, that I see in which the end you have in view could be pursued with a prospect of success, would be a respectable representation to Congress, praying an alteration of that part of the Ordinance, and so far would I be from opposing it, were it in my power to oppose it, should you think it proper or needful, I would cheerfully join with you in making the representation.

P. S. Though it be foreign to the matter of the above answer, I will avail myself of the present opportunity to recommend that, as the election law is under revision, a clause may be added to fix the time when the first session of the legislature after every new election of representatives shall be held.[1]

---

[1] After both parties to the "new counties" controversy had stated their views, the subject was dropped. The Governor stood firmly for his right, but he studied the interests of the people, and gave them local government as fast as they could provide the means for its support. This did not suit the speculators in lands, and the new party, led by Massie and Worthington, increased in strength.[1]

---

(1) ACTS PASSED, 1800.

1. Defining seals affixed to certain instruments of writing.
2. Authorizing the leasing of lands granted for the support of schools and religious purposes in the county of Washington.
3. To revise the act entitled "an act to establish and regulate ferries."
4. To amend the act entitled "an act for allowing compensation to the Attorney-General of the Territory, and to the persons prosecuting the pleas in behalf of the Territory in the several counties."
5. Authorizing the judges of the general court to appoint commissioners to take special bail and to administer oaths.
6. To incorporate the town of Marietta.
7. To amend the act entitled "an act to encourage the killing of wolves."
8. To empower the trustees named in the last will and testament of Dr. William Burnet, the elder, to dispose of certain lands.
9. To amend the act entitled "an act to create the offices of a Territorial treasurer, and of an auditor of public accounts."
10. To amend the act entitled "an act regulating the admission of practice of attorneys and counselors at law."
11. To establish and regulate taverns and public houses of entertainment.
12. To provide for the maintenance and support of illegitimate children.
13. To amend the act entitled "an act allowing and regulating prison bounds."
14. To establish and confirm the town of Athens in the county of Washington.
15. To provide for the recording of town-plats.
16. Supplementary to the act entitled "an act establishing and regulating the militia."
17. Providing for the trial of homicide committed on Indians.
18. To prevent the abatement of suits in certain cases.
19. To ascertain and defray the traveling expenses of the judges of the general court, and for disposing of the fees heretofore allowed them by law.
20. Supplementary to the act entitled "an act to establish and regulate county levies."

JOHN S. GANO TO GOVERNOR ST. CLAIR.

CINCINNATI, *Nov.* 15, 1800.

Dear Sir:—Yours of the ——, inclosing your address to the ———, afforded me great satisfaction, especially the last clause, which must have made ——— feel small indeed, unless he has a heart of stone. I returned on Thursday last from a journey above Deerfield, and I find J. S. ———, etc., have been preaching to some people their text and application as a warning to sinners not to sign a petition in your favor. I found a few that were firm in the country, that appeared rejoiced at the news of McMillan's going to Congress. On my return, for the first time I have visited every family in Cincinnati and its vicinity, except two; and, to my great satisfaction, found them well-disposed, and, as a proof of their fidelity, upwards of one hundred and forty signed the petition in one day. I have sent a man to Dayton, Cleveland (?), Hamilton, Mill Creek, and Columbia; they will all be back on Monday next in time to inclose the papers with the next mail. I will write McMillan of something that I have heard against the opposite petitioner. We have no news here since you went up to the seat of Government. That you may be continued as a blessing to the Territory is the ardent wish of your most obedient, etc.

TO THE INHABITANTS OF THE NORTH-WESTERN TERRITORY RESIDING EAST OF A LINE THAT MAY BE DRAWN DUE NORTH FROM THE MOUTH OF THE GREAT MIAMI RIVER.

CHILLICOTHE (*without date*), 1800.

Fellow-citizens:—The Ordinance for the government of the Territory of the United States north-west of the River Ohio declares "that whenever there shall be sixty thousand inhabitants residing

---

21. For the relief of Lucy Petet.

22. Supplementary to the act entitled "an act establishing courts for the trial of small causes."

23. Regulating circuit courts, and allowing appeals from the courts of common pleas in certain cases.

24. To amend the act entitled "an act to ascertain the number of free male inhabitants of the age of twenty-one years in the Territory of the United States north-west of the River Ohio, and to regulate the elections of representatives for the same.

25. Supplementary to the act entitled "an act levying a Territorial tax on land, and *for* providing for a Territorial tax for the year 1801.

26. Appropriating moneys due *for* the payment of debts from the Territory, and making appropriations *for* the ensuing year.

within the above described boundaries, they shall be entitled to a State government, and be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever, and shall be at liberty to form a permanent constitution and State government; provided the constitution and government so to be formed shall be republican."

By an act of Congress, passed at their last session, the census of this Territory is directed to be taken, under the direction of the secretary; and believing that there will be the number required by said Ordinance, or nearly the number, we have taken this opportunity of recommending to your consideration the propriety of going into a State government at as early a period as our number will admit of. In recommending this subject to your consideration, we are well aware of the importance of the sentiments of our fellow-citizens on a subject so materially interesting to them, and we therefore recommend it to them to instruct their representatives, at their next meeting of the General Assembly, to govern themselves accordingly.

You will, fellow-citizens, while reflecting upon the important subject, consider the additional expenses that must necessarily accrue in the exercise of a State Government, which you will perceive must unavoidably arise. You will likewise consider the superior advantages which you will derive therefrom. A candid comparison will, we presume, be the criterion by which you will govern yourselves in your deliberations.

We are, fellow-citizens, with sentiments of respect, etc.,

EDWARD TIFFIN AND OTHERS, *Committee.*

JACOB BURNET TO GOVERNOR ST. CLAIR.

August 20, 1800 (*no place*).

Sir:—In compliance with your request, I have perused the law to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers. As the murder of these Indians was done on lands ceded by treaty to the United States, it appears to me that the law does not embrace the crime. The sixth section, which is the only one in the law that takes notice of murder committed on Indians, is confined to such murders as are committed in a town, settlement, or territory belonging to a nation or tribe of Indians. I should, therefore, suppose that the offenders ought to be dealt with in the same manner as though they were charged with the murder of white people, and that the mode of trial pointed out in the fifteenth section of the act can not be obligatory in the present cause, further than it pursues the mode provided by the common law and the statutes that are in force in the Territory.

JOHN BROWN TO GOVERNOR ST. CLAIR.

SENATE CHAMBER, WASHINGTON, *December* 24, 1800.

Sir:—Your favor of the 7th November would have been answered at an earlier day had I been present when it reached this place, but at the time of its arrival I was on a visit to New York, from whence I returned with my family only a few days ago. I, however, have the pleasure to think that this absence, which was unexpectedly prolonged by unavoidable circumstances, has had no unfavorable effect on your interests in this quarter, as I am in time to exert any little influence I possess in support of your claims to re-appointment; and let me here assure you, in much sincerity, that I consider your pretensions and expectations as just and well founded, and that all the aid which I can give or procure for the accomplishment of your wishes shall be afforded. I am persuaded it will give you pleasure to learn that the attempts of your enemies have made no unfavorable impression upon the supreme Executive.

Two days ago, your nomination for re-appointment was, by the President, laid before the Senate for their approbation. In his message, he referred the Senate to a number of representations, for and against the nomination, which have been received by him, and were submitted for consideration. I can give no information respecting their contents, as they have not yet been read, the Senate having, for some days, been exclusively occupied with the French treaty. We have agreed to adjourn for ten days, which I am glad of, being anxious to put off your business until the arrival of Ross and Bingham, who are disposed to serve you; also of General John Armstrong, from New York, who, in all probability, will be your friend. I can not yet even form a conjecture relative to the strength of parties, as there has been no discussion of the subject by the Senate. It is said Mr. Tracy has the office in view, and will endeavor to defeat your appointment.

I refer you to Mr. McMillan's communications for the news of this place.

RETURN J. MEIGS TO THOMAS WORTHINGTON.

MARIETTA, *January* 15, 1801.

Dear Sir:—We had a meeting of the citizens of this town on the 4th inst. The subject of going into a State government was taken up and discussed, and a committee of five persons was chosen to report an address to the citizens of this and the other counties. The citizens met at the court-house, agreeably to adjournment, on Monday last. An address was reported; it is lengthy, in the main, well written, and utterly disclaims the idea of going into a State government. But certain parts of it were very exceptionable to a number present, which caused lengthy and animated debate. The exceptionable parts, as nearly as I can recollect, are as follows, viz.: "That designing characters were aiming at self-aggrandizement, and would sacrifice the rights and property of the citizens at the shrine of private ambition." "That the political horizon is clothed in frowns; that the risk of a foreign war can only be equaled by the danger of domestic tempests."

These parts of the address were objected to by a number of persons, amongst them myself and son. A long debate ensued on motion to strike them out. The arguments in favor of retaining them in the address were clearly refuted; but the spirit of the times, roused by the event of the late election, had interwoven itself into the address, a place where it ought not to have had the least influence or effect. The address was, therefore, carried by a large majority, except some small alterations; particularly, the word British was stricken out, and the word foreign substituted in lieu thereof.

In justice to myself and son, and other friends, I think it my duty to make you this statement, as we utterly disclaim the illiberal and dangerous sentiments held up in the parts of the address above recited. I shall write Colonel N. Massie, as I wish our friends not to entertain an idea that we are capable of giving credit to sentiments so illiberal and dangerous, so distrustful of our political affairs; for, I really think that, instead of *frowns*, our political horizon is clothed in *smiles*, and that no domestic tempest threatens us.

With respect to going into a State government, we all agree in opinion that it is improper. If the Governor's negative can be qualified, which will undoubtedly take place, our present system of government can not be oppressive in any respect.

I sincerely hope that your citizens will agree with us ou this important subject. It would certainly involve us in expenses beyond our power to support. Many reasons might be adduced; they will occur to you as you reflect on the subject.[1]

HON. J. BROWN[2] TO THOMAS WORTHINGTON.

WASHINGTON, *January* 29, 1801.

. . . .

The nomination of Governor St. Clair has not yet been acted on. It was, with all the petitions, etc., which accompanied it, referred to a committee, which have not yet reported, but probably will in a day or two. It is the general opinion of all I have consulted that the secretary of the territory can not, under existing circumstances, discharge the duties of Governor, a vacancy such as the present not having been in the contemplation of the law, and not provided for by it.[3] . . . John Marshall has been appointed Chief Justice, *vice* John Jay. Dexter has been promoted to the head of the Treasury Department. Lucius H. Stockton was nominated Secretary of War, but, having declined to accept, this day, Roger Griswold (of *spiting memory*) was nominated to that office. The *old gentleman* is certainly deranged.[4]

---

[1] *MS. Worthington Papers.*

[2] Senator Brown, of Kentucky.

[3] This was the view held by St. Clair. Acting on it, he thwarted the deep-laid scheme of his political enemies, who had planned to delay his re-appointment by creating difficulties with the President and Senate until after his commission should expire, when, they reasoned, the Secretary of State, Mr. Byrd, would be the acting Governor, and they would have control of the territorial government, by proroguing the Legislature, and publicly declaring that the secretary could not act. This decisive measure, we are assured by Judge Burnet, even alarmed his own friends, lest he had exceeded his legitimate power. But St. Clair understood the spirit of the Ordinance, and his prompt action, which disconcerted his enemies as well as alarmed his friends, was an evidence of his political sagacity and courage.

[4] *MS. Worthington Papers.*

SENATOR JAMES ROSS TO GOVERNOR ST. CLAIR.

CITY OF WASHINGTON, *February 3d*, 1801.

Dear Sir:—This day the long-delayed question has been taken upon your nomination, and carried by a very considerable majority, but not without opposition. By whatsoever means, or from whatever motives this opposition may have been excited, I am persuaded that you have too much magnanimity, as well as too much understanding, to give your enemies within your government any reason to believe that you feel towards them the slightest resentment. None of your old friends left you on this question, and we had some new ones. Mr. Brown, of Kentucky, who has always displayed a sincere affection for you, exerted himself in this business with uncommon earnestness and effect. Indeed, the security of the present result depended almost entirely upon his influence and friendship. Mr. McMillan's conduct was judicious, manly, and decisive. He wrote not only to the Secretary of State, but to the committee of the Senate who had the nomination under their consideration.

Three years is not a long time, but it is probably longer than the people will continue in the form of a colony, and I hope to see you the Governor of a State there by a choice of the people under a good strong constitution, which will be a conclusive answer to all calumny.

We are doing little at this place. The French convention has been acceded to on condition that the second article be struck out, and a clause added limiting the duration of the treaty to eight years. By striking out the second article, we mean to abandon all claim for indemnities, and they to abandon all thoughts of restoring in any shape the ancient treaties or any of the odious dangerous priorities, preferences, and engagements, which we had incautiously acceded to. The bargain is a good one, and perfectly appreciable to the French, provided they are now of the same opinion they held three moons ago, a thing, by-the-by, not very certain.

General John Marshall this day takes his seat as Chief Justice of the United States, *vice* Ellsworth.

No certainty of the election of President on the eleventh instant. The scale inclines in favor of Mr. Jefferson at present, but the friends of the other are making proselytes.

Mr. Brown, finding that I am writing a letter to you, this moment desires his most respectful compliments and congratulations on your re-appointment. Colonel Read, of the Senate, presents his also, and so would a long list of worthies, did they know to whom I was writing.

We are likely to have a new judiciary system, which will establish a circuit court of the United States in your Territory, a great object and a very desirable one, but I fear difficult of attainment, as the Senate is very nearly divided upon the question.

SENATOR SCHUREMAN TO GOVERNOR ST. CLAIR.

CITY OF WASHINGTON, *February* 3*d*, 1801.

Dear Sir:—I should have replied before this time to yours of the 7th of November last, which you did me the honor to address to me, had I supposed so long a time would have elapsed before the business in which you were so deeply interested was closed. Permit me to assure you that you were not forgotten. Such services as were in my power were cheerfully bestowed to prevent merit from falling a sacrifice to calumny.

I can now congratulate you on your re-appointment. The opposition was more feeble in the Senate than I had expected. It was such as would not be deemed a disgrace by a man of honor. My colleague ought to have the justice done him to be known as not joining in it.

SENATOR J. E. HOWARD TO GOVERNOR ST. CLAIR.

CITY OF WASHINGTON, *February* 3*d*, 1801.

Sir:—I have the pleasure of informing you that the Senate this day confirmed the nomination appointing you the Governor of the North-western Territory. The committee to whom the matter was referred, with the papers for and against your re-appointment, after a long investigation, made a favorable report. which was agreed to with but few dissentients.

JOHN MARSHALL TO GOVERNOR ST. CLAIR.

DEPARTMENT OF STATE, WASHINGTON, *February* 10, 1801.

Sir:—The President of the United States desirous to avail the public of a continuance of your services as Governor of the Territory of the United States north-west of the Ohio River, I have the pleasure of inclosing your commission, and of expressing the sentiments of esteem with which I am, sir, etc.

STEVENS THOMSON MASON[1] TO THOMAS WORTHINGTON.

WASHINGTON, *February* 5, 1801.

Dear Sir:—Early in the present session, the nomination of General St. Clair as Governor of the North-western Territory for a further period of three years was sent by the President of the United States to the Senate. The nomination was accompanied with various memorials and representations for and against the appointment. The nomination and documents were referred to a committee of the Senate to examine and report, and I have expected every post since to be able to communicate to you the result; but the business was not taken up in the Senate till this week. The committee reported that the charges against Governor St. Clair, though various and some of a serious nature, *were not supported by the memorialists*; they could not, however, entirely rescue him from censure, but, upon the whole, recommended a confirmation of his appointment, which took place on Tuesday last. I thought, myself, that there was sufficient to show that he was very obnoxious to a great part of the people, and that he ought not to have been re-appointed. Some members who did not approve of the appointment were induced to vote for it from an apprehension that, should he be rejected, some person more obnoxious might be appointed, such as Tracy, and that it would only be exchanging an old and feeble tyrant for one more active and wicked. Your representative, too, I believe, took great pains among the members out of doors. Should your next House of Representatives be of the character you expect, I should suppose they might petition the new President for the removal of the Governor with effect, and could send forward proofs and documents to support the charges against him.

I presume you have seen that, of the two gentlemen recommended for the Council, the President has selected Mr. Libby. The Senate, though possessing the power to reject and thus of forcing the President to take the other person, yet it could not with propriety be attempted without some well-founded objection lay to the character who should be first presented to them by the President. In fact, it is rarely the case that the Senate will exercise their negative upon appointments. A strong instance has occurred this week in their confirming the nomination of Roger Griswold as Secretary of War. A more preposterous appointment can not well be imagined.

---

[1] "Stevens Thomson Mason, born at Stafford, Virginia, 1760; died at Philadelphia, May 10, 1803. Was graduated at William and Mary College. At the age of twenty he had attained the rank of colonel in the Revolutionary army, and served with distinction, attaining the rank of brigadier-general. He was a member of the Virginia House of Burgesses; was a conspicuous member of the Convention of Virginia in 1788; and was a United States Senator from 1794 until his death. He had great powers of oratory, wit, and sarcasm, and was very popular."—*Drake's Dic. Am. Biog.*

We have been, during the present session, in a continual state of agitation and anxiety respecting the Presidential election, and are not yet entirely free from apprehension of difficulty and embarrassment being attempted to be thrown in our way. Next Wednesday will bring the business to its ultimate trial, and though there has been a good deal of caucusing and caballing to defeat Mr. Jefferson's election, I believe myself that those people have given up all hopes of success, and that we shall get the business through without any difficulty.

The convention with France, though once actually rejected by the Senate, was retained in our hands, and the report of our proceedings delayed being sent to the President in an expectation of being able to come to some compromise upon the subject, which, after about a fortnight, was effected, and on Tuesday we ratified it with an exception of the second article, and annexing a limitation that it should only continue for eight years. This measure, I flatter myself, will be attended with very happy consequences in preventing a war with that country and giving a rise to the price of our produce.

I have of late been so much occupied in the Senate that I scarce know what is doing in the other house. Nothing, however, has, I believe, been agitated there which respects your country, except a bill respecting the purchase of Judge Symmes. I understand a bill is on its passage to give a pre-emption to those who had contracted with Symmes, at the price of one dollar per acre, or on the terms of his purchase of the United States. I doubt, however, its passage in the Senate.

GOVERNOR ST. CLAIR TO THE SECRETARY OF STATE.

CINCINNATI, *March* 9, 1801.

Sir:—In December last I gave information that a very violent violation of the Territory had been committed by the British near to Detroit, and a man carried away by force and murdered; but I had not then received the account of the particular circumstances, and, therefore, referred you to the Hon. Mr. Tracy, who happened to be at Detroit at that time. The clerk of the peace has since transmitted the particulars;[1] an indictment was found against a sergeant of the British troops who commanded the party, and the testimony on which it depended is inclosed.

By the treaty, he ought to be demanded, but as the measure is delicate, and a refusal on their part might involve very serious consequences, I request your instructions on the subject. Where military posts are near each other, and desertion so easy, it can not well be otherwise than that difficulties will occur, and it is much to be wished that some agreement to deliver up deserters on both sides were entered into. The above affair has caused very great uneasiness amongst the inhabitants.

J. EDGAR TO GOVERNOR ST. CLAIR.

KASKASKIA, *April* 11, 1801.

Dear Sir:—I avail myself of an opportunity which now offers as far as Post Vincennes of addressing you a few lines. Since I wrote my last two letters to you I have not had the pleasure of hearing from you, which has deprived me of much satisfaction. I have heard, however, the news of your having been re-appointed to be Governor of the North-western Territory, in spite of the opposition of your enemies, against whose unprovoked animosity you may always prevail, is my most earnest prayer. I must now take the liberty of refreshing your memory concerning the deeds for the three surveys which I sent you last spring, for which I now begin to feel myself anxious. As Mr. McIntosh is at this time in Cincinnati, a good conveyance offers for the forwarding of them, by your taking advantage of which you would particularly oblige me, as also forwarding, under care of the same person, the two sets of papers now with you, under proper cover. During a few weeks past, we have put into circulation petitions addressed to Governor Harrison, for a General Assembly, and we have had the satisfaction to find that about nine-tenths of the inhabitants of the counties of St. Clair and Randolph approve of the measure, a great proportion of whom have already put their signatures to the petition. I have written to Judge Clark, of Clark county, to Mr. Buntin and Mr. Small, of Post Vincennes, urging them to be active in the business. I have no doubt but that the undertaking will meet with early success, so as to admit of the House of Representatives meeting in the fall.

---

[1] See letter of Peter Adrian, *ante.*

Present, if you please, Mrs. Edgar's and my compliments to Mrs. Dill, Mrs. Vance, and the rest of the family.

ADDRESS OF GOVERNOR ST. CLAIR TO THE GENERAL ASSEMBLY, NOVEMBER 26, 1801.

Gentlemen of the Legislative Council and Gentlemen of the House of Representatives:—At the first meeting of the second General Assembly of the Territory, I can not lay any business before you without first turning your thoughts to the Supreme Being, the author and giver of all good. Favored as we have been with another most plentiful harvest in every kind, and blessed with the continuance of peace at home and abroad, when we contrast our situation with many countries in the old world, suffering from want—deluged in blood, and shaken to their centers—their civil and religious institutions overturned, and anarchy and despotism and atheism reigning in their stead, how thankful ought we to be to Almighty God, whose kind Providence has sheltered us from similar calamities; neither should our gratitude be withheld from the General Government of our country, which has been the instrument in His hands to shield us from harm, and to procure us so many blessings. This comparison, gentlemen, which it seems impossible not to make, holds out to us also a very useful lesson, not lightly to part with the real advantages we enjoy, in the hope of imaginary and contingent good. Could the thousandth part of the atrocities that have been committed in, and the miseries that have been brought upon unhappy France been presented to that people beforehand, they would have turned from them with horror, and exclaimed with one voice: "are Thy servant's dogs, that they should do this thing?" It is true, gentlemen, that many parts of our country have, this last season, been severely afflicted with sickness; but this, far from being a ground for murmuring and discontent, should lead us to examine ourselves—to the correction of our vices, which may have brought that evil upon us, and to a reformation of manners. I submit to you, gentlemen, whether it would not be proper, by law, to set apart a day for a public and solemn acknowledgment to God, for the numberless benefits we have received; to supplicate the continuance of them; to deprecate His wrath for the multitude of our transgressions, and to implore His grace to assist us to amend our lives.

The time, gentlemen, that was chosen for your meeting will, I hope, be found convenient to you. The labors of the field are now over, and a sufficient space for the business of legislation to which you are called, remains, before you will be obliged to return to them. Of legislative business, a considerable field lies open before you, for, from the unavoidable early adjournment of the last assembly, many things were left unattended to which would otherwise have been taken up by them. You will find them, gentlemen, on the journals, and in my address to that assembly on opening last session, and I request you to consider them as now repeated to you. But, in a particular manner, I must recommend to you the revision of our criminal laws. From some defect in the laws themselves, or in the application of them, it is painful to think how often offenders escape with impunity; the laws become despised, offenders audacious, and the peace of society is endangered.

The militia, gentlemen, has been organized, as far as it could be, in all the counties except the county of Belmont, and there has not been time for it there since it was erected. But I suggest to you the propriety of altering the law establishing and regulating the militia; all that part of it which relates to general officers should be repealed. The appointments of those officers is reserved to the General Government, and by it they will be appointed as soon as they are thought necessary; but the propriety of making regulations upon matters exclusively with that Government may well be questioned, and of this I was well aware at the time, and though it appeared an incongruity, it was preferred to losing the law entirely. A sufficient time has since elapsed to show that it was a needless provision, and that the militia may do well enough without generals and the cumbrous staff that is added to them. As connected with the militia, gentlemen, I have to observe to you that a considerable number of the people called Quakers, have lately become inhabitants and that more may be expected. The general character of the people of that profession for industry, sobriety, and good morals, is generally known and acknowledged, and renders them a valuable acquisition; but their religious principles forbid them to take arms. To fine people principled against arms for not attendiug musters established for the purpose of acquiring skill in the use of them, seems to be a species of persecution. Nevertheless, it is reasonable that, should they be exempted, they should render something to the community in exchange. I make no doubt but they would willingly pay a small sum of money annually for exemption. I recommend it to your consideration, and it might be left optional with themselves.

The proper officers will lay before you, gentlemen, a state of the revenue and of the treasury. In the treasury there is nothing, and the revenue has not been so productive as was contemplated. Let it be remembered, gentlemen, that that which has been produced has arisen chiefly from a high tax on uncultivated lands which, though not much felt in the Territory, by reason that so great a part of those lands are the property of non-residents, is greatly complained of abroad; that those lands are daily and hourly going into the hands of residents, and will finally settle there; that, whenever this happens, the taxes upon them, instead of being a source from which money would flow into the country, will be found a burden too heavy to be borne. Your attention, therefore, can not too soon be turned to new sources of revenue.. In an infant country like this, where much time, labor, and money must necessarily be expended before the people can subsist with any tolerable degree of comfort, and, where every species of movable property is already taxed as high as it can well bear, and which many of the people find it very difficult to pay, new sources of revenue are indeed difficult to be found. It is, however, a difficulty that must be some time or other encountered, and the sooner it is met the more easy it will be overcome. Money must, however, be long scarce with us, and the utmost economy in our expenses becomes an indispensable duty. Some prospects of advantage begin to open upon us from exportation, and if it is properly attended to it will in time supply us. But it is of the very first importance that the articles sent to foreign markets should be of the best quality, and that the quality should be ascertained to the purchaser by some public stamp in which he can place confidence. To effect this, inspection laws are indispensably necessary, and should be guarded by very strong sanctions. The State of New York has suffered for more than half a century from not having as early as some of her neighbors established a rigorous inspection of flour.

I am obliged, gentlemen, again to mention the township in Hamilton county that was granted by Congress to John Cleves Symmes and his associates, in trust, for the purpose of erecting therein an academy and other seminaries of learning, and for endowing the same. That trust has not been executed; and, unless the Congress use coercive means, it seems too probable that it never will be executed. The lands also reserved for the maintenance of schools and religion are in the same situation as they were last year. The most precise instructions on these subjects ought to be given to the delegate, and he should be directed to bring them before Congress at as early a period as possible, before the members are too much engaged in the great business of the nation.

The Congress, gentlemen, furnish the Territory with a certain number of the laws of the United States, and by a law of our own they are to be sent to the different counties, but no means of transportation are provided; private opportunities seldom present themselves, and can not be depended upon. And to send them by post, if the post traversed the country, which they do not, would be very expensive, and no provision is made to defray it. It is, however, important that these laws should be in every county; you will, therefore, be pleased to consider the means of doing it. There are, at this time, a great number of volumes in the secretary's office.

Be pleased, gentlemen, to recollect that the Governor is a branch of the legislature, and that he should have sufficient time to consider of the laws to which his assent is essential. Your bills are printed, that you may be able the better to consider them. It would be a very trifling increase of expense, indeed, to order one copy more for him; they would then not be entirely new to him at the moment his signature is required. At the last session, many laws were presented on the very last day, when there was not time even to read them; in such case, they must either be signed at a venture, or all the time and all the money spent in preparing them must be thrown away. I can not consent to be placed in that situation again, and, however anxious you may be for an adjournment, until I have had a reasonable time to consider your acts, you must be content to remain in session.

I will not, gentlemen, detain you longer at this time. Should other matters appear necessary to be communicated to you, they will be the subject of occasional messages; but many things for the good of your constituents, that have not been touched upon by me, will suggest themselves to you, and I have only to assure you, with great sincerity, that in every thing which promises to have that effect, it will be a great happiness to me to co-operate with you.

Reply of the Legislative Council.[1]

Sir:—The Legislative Council experience sensations of real pleasure at again meeting your Excellency at this time in health, and at having the opportunity publicly to express their approbation of your re-appointment to the important office of chief magistrate of the Territory, which it has pleased the General Government to intrust to your special care.

---

[1] Monday, November 30, 1801, Mr. Sibley, according to order taken November 27th, reported an answer to his Excellency, the Governor, which was approved.—*From MS. Official Proceedings of Legislative Council.*

The numerous services which you have rendered, both in the common cause of our liberty and independence, as well as in your government of the Territory, are sacred pledges that your administration will be guided by a sincere desire to promote the greatest possible happiness and prosperity of our infant country.

It is with regret we view the unparalleled miseries which a long series of wars, uncommonly ferocious, have entailed upon a large proportion of the civilized world. Such scenes of distress, while they awaken our tenderest sympathy, can not fail to call forth our warmest acknowledgments to an all-wise ruling Providence for the continuance of peace and happiness to our country, under the wise and equitable administration of our Federal Government; and we trust that such constitutional measures will be pursued as are best calculated to insure a continuance of those singular blessings.

The important objects of legislation, which your Excellency was pleased to communicate in your address to both Houses at the opening of the present session, will occupy our early and attentive deliberation; and we shall be ready at all times to give our cordial assistance in the formation and passage of such laws as shall be deemed necessary for the promotion of happiness at home and respectability abroad.

The Governor's Response.

Mr. President and Gentlemen of the Legislative Council:—The very kind answer which you have now been pleased to make to my address to both Houses of the legislature has excited sentiments in my breast that are not easily expressed, and, at best, I am not good at expression when I feel strongly. The desire of being useful was impressed upon me by nature, and as in the course of a long life many opportunities of gratifying that desire have presented themselves, I trust it is now settled down into a habit. If, in my past conduct in public life you find a pledge for the future, permit me to add the solemn assurance that I will never, designedly, deviate from that line of rectitude which hitherto I have endeavored to follow.

For any services I may have been happy enough to render, either in the cause of liberty and independence, or in the government of the Territory, the favorable notice you have been pleased to take of them is a most grateful remuneration.

The satisfaction, gentlemen, you express at my having been reappointed to the high and important office of Governor demands my warmest acknowledgment; and I am bound by every obligation of duty to God, to the nation and its government, and to the people of the Territory, that, so far as in me lies, in the execution of it your just expectation shall not be disappointed.

Reply of the House of Representatives.[1]

Sir:—In contrasting our situation with many countries in the old world, we have great reason to thank that Supreme Being, the author and giver of all good (whom you have been pleased to remind us of at this first meeting of the second General Assembly of the Territory), for the blessings of peace and plenty which attends this happy country; nor can we withhold our gratitude from the General Government of our country for their anxious care to preserve us from all the calamities which have been experienced by those unhappy countries involved in war.

The time you have thought proper to convene the General Assembly, we trust, will be found, upon experiment, to be as convenient as the nature of our domestic occupations would admit of. To revise such of our laws as may appear from their operation to be defective; to enact such laws in addition to those already made; to preserve the peace of society from being endangered, and to attend the several objects which you recommended to the consideration of both Houses, together with such others as you may think proper to communicate, shall receive our timely and attentive consideration.

Although the state of our treasury at this time is not a pleasant one, yet, we hope, that when the money arising from our revenue law is deposited, it will enable us to discharge all the demands against the Territory at this time. It is true, sir, that which has been produced has arisen chiefly from a tax on uncultivated lands, a great proportion the property of non-residents; but then, it must be considered that those lands, in passing to the resident, the non-resident receives an additional value from the improvement of the country greater than the small amount they have been called upon to contribute to the support of our government.

---

[1] Chillicothe, *December 4th*, 1801.—A committee from the honorable House of Representatives waited on the Governor, and presented the following answer to his communication delivered to both Houses of the legislature, the 26th ult.—*MS. Official Proceedings of the House of Representatives.*

To examine our sources of revenue, and to endeavor to make the taxes that may be necessary as equal as the nature of our infant country will admit, shall receive our early attention.

Reply of the Governor.

Mr. Speaker, and Gentlemen of the House of Representatives:—I received your answer to my address to both Houses with great satisfaction. Devout acknowledgments to God are at all times the duty of dependent creatures; but highly favored as we have been in this happy country, they are our duty in a very particular manner.

It gives me pleasure to find, gentlemen, that the time appointed for your meeting has your approbation. It was dictated by a desire that your attendance on the public business might coincide as much as possible with your private convenience.

I wish, gentlemen, that I could join with you in the hopes that "when the money arising from our revenue law is deposited, it will enable us to discharge all the demands against the Territory at this time." It is very important that we should not deceive ourselves as to the state of our funds, and to that end I have thought it a duty incumbent on me to present you with a concise view of them.

Bills of credit were issued by the late Auditor, to wit:

2,250 of five dollars each	$11,250	
1,340 of one dollar each	1,340	
		$12,590
By the present Auditor:		
3,036 of five dollars each	$15,180	
713 of one dollar each	713	
		$15,893
Making in the whole		$28,483
Of these there have been redeemed		19,688
Leaving still outstanding		$8,795

More bills were issued by the former Auditor, but without checks. The amount of them has not been yet ascertained, but supposed to be about one thousand dollars.

It appears from the Auditor's statement to the House, that the amount of the assessed taxes is		$29,077
And that the appropriations amount to		14,096
Leaving an excess in the Treasury, or in the hands of the collectors, of		$14,981
But the Auditor has informed you that on account of double entries in the military district alone, a deduction must be made from that sum of	$4,387	
And from the same cause in other districts at least	2,000	
		$6,387
Balance in favor of the Territory		$8,594
But from that sum must also be deducted the amount of the taxes in the county of Trumbull, the collection of which will probably be postponed, amounting to	$3,218	
And expense of collection	2,000	
		$5,218
Leaving only for all demands for this year		$3,376
And from that must also, probably, be deducted the amounts of the taxes that have been laid on the lands of the United States sold at the public sales and since, because they did not become the property of individuals until long after the taxes for this year were laid. But, without taking them into the account when the outstanding bills of credit are taken in, viz		$8,795
Balance against the Territory		$5,419

The Territory is in debt five thousand four hundred and nineteen dollars beyond the whole revenue for the present year.

This is, indeed, gentlemen, not a pleasant view, but it is necessary that our true situation may be known, and from thence it is evident that a new emission of bills of credit must be made, even to discharge the expenses of the present session. A wretched expedient, it is true, because the bills suffer a depreciation in the hands they pass through, and the public pay the full interest; but it seems to be the only expedient to which you can resort:

For the early and attentive consideration you are pleased to say will be given to the matters that have been recommended to you, I pray you to accept my thanks, and the reiterated assurance of my readiness to concur with you in every thing that can promote the welfare and happiness of your constituents.[1]

---

[1] EXTRACTS FROM THE OFFICIAL PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES.

TUESDAY, *November 24th*, 1801.

The House, according to the order of the day, proceeded by ballot to choose their Speaker, and, upon examination of the ballots, it was found that Edward Tiffin, Esq., was unanimously chosen, who, accordingly, took his seat in the chair.

The House then proceeded to the election of other officers, with the following result:

Clerk—John Reily.

Door-Keeper—Edward Sherlock.

Messrs. Cutler and Kimberly were appointed a committee to notify the Legislative Council that the House was ready to proceed to business.

The House appointed by ballot the following members as a Committee on Privileges and Elections: Mr. Darlington, Mr. Worthington, Mr. Kimberly, Mr. White, and Mr. Dunlavy.

Ordered—That a standing committee on Propositions and Grievances be appointed, and that Mr. Paine, Mr. Putnam, Mr. Cutler, Mr. Schieffelin, and Mr. Morrow, be said committee.

Ordered—That a standing committee on Claims be appointed, and that Mr. Cutler, Mr. Miller, and Mr. Darlington be the said committee.

Two other members, to-wit: from the county of Jefferson, John Milligan and Thomas McCune, appeared, and having severally taken and subscribed the oath of fidelity to the United States, took their seats in the House.

And then the House adjourned until to-morrow morning, 10 o'clock.

Wednesday, Nov. 25th.—A message from the Council by Mr. Schenck, their secretary.

Mr. Speaker:—The Council have appointed a committee on their part, jointly with such committee as may be appointed on the part of the House, to wait on the Governor and inform him that a quorum of the two Houses is assembled and ready to receive any communication he may think proper to make to them.

Mr. Paine and Mr. Putnam were appointed such committee on the part of the House.

Mr. Paine, from the joint committee appointed to wait on the Governor, reported that the committee had, according to order, performed that service, and that the Governor signified to them that he would make a communication to both Houses to-morrow, at 11 o'clock, in the Representatives' chamber.

Mr. Reeder was appointed to acquaint the Council that the House had appointed Messrs. White and Morrow a committee on the part of the House to prepare joint rules.

The speaker laid before the House papers from sundry citizens of Wayne county, alleging the improper election of George McDougall and Jonathan Schieffelin, the sitting members.

Thursday, Nov. 26th.—Nathaniel Massie appeared from the county of

GOVERNOR ST. CLAIR TO DUDLEY WOODBRIDGE.

CHILLICOTHE, *December* 24, 1801.

Sir:—The bill I mentioned to you in my last, declaring the assent of the Territory to an alteration of the State boundaries, is passed,

---

Adams and Elias Langham from the county of Ross, and, after taking the oath, were admitted to seats.

A petition from Nathan Ellies, collector of the territorial taxes due from the citizens of Adams county for 1800, was presented to the House and read, praying to be exonerated from the payment of the ten per cent. interest due on said taxes. Referred to Committee on Propositions and Grievances.

A committee, consisting of Messrs. Worthington, Massie and Cutler, was appointed to bring in a bill levying a territorial tax on lands.

The Council attended and took seats in the House, when both Houses being assembled, the Governor came into the Representatives' chamber, and addressed them as follows. [Address given above.]

Friday, Nov. 27*th*.—A petition from Hamilton county was presented, praying for an extension of the jurisdiction of magistrates.

A petition from a number of the inhabitants of Washington county, suggesting the great inconvenience attendant on the consumption of goods of foreign manufacture, and praying for such measures to be adopted by the General Assembly as will effectually encourage and promote domestic manufacturers. Referred to the Committee on Propositions and Grievances.

Reports from the State Treasurer and Auditor were received and read.

A petition from a number of the inhabitants of Wayne county was read, suggesting many grievances under which they labor from their local situation, and praying that the same may be remedied, together with the extension of the magistrates' jurisdiction under certain restrictions. Also, for repeal of certain laws of the Territory, and that copies of all might be printed in the French language.

Monday, Nov. 30*th*.—A message was received from the Council, advising of the passage of a resolution asking the Governor to appoint a day for public thanksgiving, and on the question being on agreeing to the same, the yeas and nays were taken, and resulted as follows:

Yeas—Cutler, Darlington, Joucaire, Kimberly, Miller, Milligan, Morrow, Paine, Langham, Ludlow, McCune, M'Dougall, Putnam, Reeder, Schieffelin, and Worthington. *Nays*—Dunlavy, Massie, and White.

Thursday, Dec. 1*st*.—Another member, John Smith, of Hamilton county, appeared, was sworn, and took his seat.

Mr. Cutler and Mr. Dunlavy were appointed to prepare and bring in a bill to establish a university in the town of Athens.

The Committee on Elections reported in favor of the sitting members from Wayne county, Mr Schieffelin and Mr. McDougall.[1]

---

(1) LAWS PASSED—1801-2.

1. Declaring the assent of the Territory north-west of the river Ohio to an alteration in the Ordinance for the government thereof. [*Approved December 21.*]

2. For the partition of real estate. [*Ap. December 23.*]

and goes on to Mr. Fearing by this post, to be laid before Congress. You can not imagine the agitation it has created amongst the peo-

---

Other proceedings of interest in the General Assembly were: the passage of bills for changing the seat of government from Chillicothe to Cincinnati, and "Declaring the assent of the Territory north-west of the River Ohio to an alteration in the Ordinance for the government thereof," and instructions to Paul Fearing, delegate in Congress, relative to the township for educational purposes in the purchase of John Cleves Symmes.

The vote on the bills was unanimous in the Legislative Council; in the House, as follows:

For removing the seat of government from Chillicothe to Cincinnati: *Ayes*—Cutler, Dunlavy, Joucaire, Ludlow, McDougall, Miller, Putnam, Reeder, Schieffelin, Smith, and White—12. *Nays*—Darlington, Kimberly, Langham, McCune, Massie, Milligan, Paine, and Worthington—8.

On the bill relative to a modification of the Ordinance for a division of the Territory, as follows: *Yeas*—Cutler, Joucaire, Kimberly, Ludlow, Mc-

---

3. To remove the seat of government and fix the same at Cincinnati. [*Ap. January 1, 1802.*]

4. Allowing compensation to members of the General Assembly, together with the Treasurer and Auditor of the Territory. [*Ap. January 1.*]

5. Defining and regulating the duties of the Secretary of the Territory. [*Ap. January 1.*]

6. Providing for the appointment of guardians to lunatics and others. [*Ap. January 4.*]

7. Providing for the execution of real contracts in certain cases. [*Ap. January 4.*]

8. Providing for the inspection of certain articles of exportation therein enumerated. [*Ap. January 9.*]

9. To encourage the killing of wolves and panthers. [*Ap. January 9.*]

10. For the distribution of insolvent estates. [*Ap. January 13.*]

11. Concerning testimony. [*Ap. January 13.*]

12. To establish and regulate township meetings. [*Ap. January 18.*]

13. Allowing and regulating writs of attachment, [*Ap. January 18.*]

14. Requiring public officers to give bond in certain cases. [*Ap. January 19.*]

15. Regulating executions. [*Ap. January 19.*]

16. Tc amend the act entitled, "An act for opening and regulating public highways. [*Ap. January 20.*]

17. Providing for the acknowledgment and recording of deeds in certain cases. [*Ap. January 20.*]

18. Providing for the encouragement of the breed of horses. [*Ap. January 20.*]

19. Providing for the recovery of money secured by mortgage. [*Ap. January 20.*]

20. To repeal in part the act entitled, "An act to ascertain and defray the traveling expenses of the judges of the general court, and for disposing of the fees hereinbefore allowed them by law." [*Ap. January 20.*]

21. Supplementary to the act entitled, "An act to amend the act entitled 'An act for allowing compensation to the Attorney-General of the Territory and to the persons prosecuting the pleas in behalf of the Territory in the several counties.'" [*Ap. January 20.*]

22. For the assignment of bail bonds. [*Ap. January 22.*]

23. To amend the militia law. [*Ap. January 22.*]

24. Regulating the fees of civil officers and for other purposes. [*Ap. January 23.*]

25. Levying a tax on land for the year 1802 and for other purposes. [*Ap. January 23.*]

26. Appropriating moneys for the payment of the debts due from this Territory, and making appropriations for 1802. [*Approved January 23.*]

ple here; and a petition to Congress against the measure has been

---

Dougall, Miller, Paine, Putnam, Reeder, Schieffelin, Smith, and White. *Nays*—Darlington, Dunlavy, Langham, McCune, Massie, Milligan, Morrow, and Worthington.

Subsequently Messrs. Tiffin, Worthington, and Langham, of Ross county, Darlington and Massie, of Adams county, and Dunlavy and Morrow, of Hamilton county, united in a protest against the act for dividing the Territory. [For an account of this contest, see Vol. I., p. 224.]

INSTRUCTIONS TO PAUL FEARING.

WHEREAS, the President of the United States, by letters patent, bearing date the 30th day of October, one thousand seven hundred and ninety-four, in pursuance of an act of Congress, passed the 5th day of May, one thousand seven hundred and ninety-two, made conformable to an Ordinance of the 2d of October, one thousand seven hundred and eighty-seven, granted to John Cleves Symmes and his associates, their heirs and assigns, in trust, one complete township of six miles square of land, to be holden by the said John Cleves Symmes and his associates, in trust to and for the sole and exclusive intent and purpose of erecting and establishing therein an academy and other public schools and seminaries of learning, and for endowing and supporting the same, to be located with the approbation of the Governor of the Territory, as near to the center of a tract of land in the letters patent described as might be. Yet, by reason of the said John C. Symmes having alienated thirty-one sections of the aforesaid township, most and perhaps the whole of the sales whereof took place before he received his patent, and there now remains of the same township only the three sections following, viz.: numbers eight, eleven, and twenty-six, the benefits contemplated to result from the aforesaid trust must inevitably be lost unless prompt measures be taken for securing the same; therefore—

Resolved, by the Legislative Council and House of Representatives, in General Assembly, that Paul Fearing, Esq., delegated to represent this Territory in the Congress of the United States, be instructed to use his endeavors to procure an act of Congress, to be passed at the present session, vesting in certain trustees and their successors, resident within the grant of land made to John Cleves Symmes, and described in the letters patent aforesaid, lots, to wit, numbers eight, eleven, and twenty-six, in the third township, east of the Great Miami River, and first entire range of the grant aforesaid, to be holden by the said trustees and their successors in trust to and for the sole use, intent, and purpose of establishing an academy and endowing and supporting the same, whose conduct and mode of succession shall be subject to the control and direction of the legislature of the Territory, and of the State in which the same tract of country may be hereafter included; and, that the said Paul Fearing be also instructed, if practicable, to obtain a grant of thirty-three sections of land lying on the west side of the Great Miami River of the Ohio, and east of a line drawn due north from the mouth of the aforesaid Miami River, or thirty-three sections of the land re-

formed by a committee of this town, praying that Congress may not

---

served for the future disposition of Congress, in the grant of land patented to John C. Symmes, or any other thirty-three sections of the property of the United States, north of the tract of land patented as aforesaid, and east of the Great Miami River, as contiguous to each other as may be, to and for the uses, intents, and purposes aforesaid, and in lieu of those alienated by the said John Cleves Symmes. And, further, if the said Paul Fearing can not effect the purpose aforesaid, that he use all legal means in his power to have such measures taken as will compel the said John Cleves Symmes to make good the trust aforesaid, or render an equivalent for the same, to be appropriated agreeably to the same use and intent of the original donation.

And, whereas, by certain laws and ordinances of the Congress of the United States, the several lots, number sixteen, in each township, contained in a tract of land granted by the Congress of the United States to John Cleves Symmes and his associates within this Territory, have been appropriated to the support and maintenance of public schools and seminaries of learning within the said townships, and lots number twenty-nine in each township within the tract aforesaid, have been appropriated for the purposes of religion, and have been specially reserved to the United States for the several and respective purposes aforesaid, and from the advanced stage of population within the grant aforesaid, it is highly interesting to the community that the aforesaid lots be put into improvement; therefore—

Resolved, That the said Paul Fearing, Esq., be instructed to use his endeavors to procure an act of Congress to be passed, authorizing the President of the United States, by letters patent, to grant and convey unto the legislature of this Territory the aforesaid several lots within the grant aforesaid, in trust, to and for no other uses, intents, and purposes, than those for which the said lots have been respectively appropriated.

And whereas, the Congress of the United States have promised that the section number sixteen in each township throughout the Territory should be granted for the support of schools, and number twenty-nine for the purpose of religion—

Resolved, Therefore, that the said Paul Fearing, Esq., be instructed to use his endeavors in procuring a law to be passed, vesting in the legislature of the Territory the lots numbers sixteen and twenty-nine of every township which has been and also in those which may be sold to individuals, or in case the lots aforesaid, or either of them, be already sold by the United States, that others may be granted in their stead, to and for the uses and purposes for which those lots were originally promised.

And whereas, doubts have arisen, since the division of the North-western Territory, whether the island of Michilimackinac, and the settlements adjacent thereto, fall into the North-western or Indian Territory, to prevent any dispute which may arise on the subject—

Resolved, That Paul Fearing, Esq., be instructed to use his endeavors to have a law passed, during the present session of Congress, supplemental to the act dividing the North-western Territory into two separate governments, declaring the said island and its adjacent settlements to be in and under the jurisdiction of the North-western Territory; to use his endeavors to have a consent to it, is in circulation for subscriptions, and agents have been sent into every part to give assistance; and, I doubt not, they are, or will be, in your county also. Mr. Worthington and Mr. Baldwin are appointed to go to Washington to advocate the petition in person. In the petition, the measure is modestly styled, "*A conspiracy of the representatives of the upper and lower parts of the Territory to ruin the middle part.*"

While the bill was pending in the House of Representatives, and it was discovered that much would depend upon the vote of Trumbull county, I took occasion to converse with Mr. Tod, who is here, upon the subject, and represented it at first as it really is, as nothing more than a declaration that should Congress think fit to change the boundaries the Territory consents to it, and finding that he did not think it an improper measure, but rather seemed to strike him

---

law passed authorizing the appointment of commissioners, with power to adjust and settle the claims to lands laying in the county of Wayne, and also, if possible, to procure a donation of one or more townships of land in the neighborhood of Detroit, for the encouragement of education and support of religion in that part of the Territory bordering on the lakes, and also a further extinguishment of the Indian titles to lands lying within and bordering on the said county.

And whereas, the inhabitants of Wayne county living in the town of Detroit have, time out of mind, enjoyed a small piece of land adjacent to this town as a public common for the use of the inhabitants, until partially dispossessed by military authority; therefore—

Resolved, That Paul Fearing, Esq., be further instructed to use his endeavors to have the fee of the said common confirmed by the United States to the inhabitants aforesaid; and that the said Paul Fearing be further instructed to use his endeavors to have that part of the Ordinance for the government of this Territory which gives the Governor a positive negative on all laws passed by the Legislative Council and House of Representatives, to be so altered that the same mode may be prescribed by the legislature of this Territory on the passage of laws as is prescribed in the Constitution of the United States.

And whereas, there is a difference of opinion what construction ought to be put upon that part of the Ordinance for the government of the Northwestern Territory which relates to the dividing of counties, and fixing the seats of justice within the same—

Resolved, That Paul Fearing, Esq., be instructed to use his endeavors to have that part of the Ordinance so explained, by a declaratory act of Congress, that no doubt shall remain.

And also, that the said Paul Fearing, Esq., be further instructed to use his endeavors to get the said Ordinance so altered as to allow the right of voting for representatives to the legeslature of this Territory to all free male citizens of the age of twenty-one years and upward, who have resided one year in the Territory, and have paid a territorial or county tax.

favorably, I ventured to open to him my opinion that, should Congress come into it, many advantages would flow to the upper eastern division from an immediate formation of two temporary governments by proposed lines. One of those advantages was obvious. The counties of Washington and Trumbull, being settled entirely by the people from the eastward, who had been accustomed to live under laws nearly similar, and whose manners and habits were the same, as they would forever have the preponderancy over the other parts of that district, it would be in their power to introduce those laws and customs, and fix them so as they could never be overthrown, and, of course, to hasten the population of those two counties particularly. I could easily see that it made a sensible impression upon him, and, therefore, dropped the subject, and left the hint I had given to work for itself in his mind.

Since the appointment of the agents before-mentioned, some of the members who were friendly to the measure, had a consultation on the means proper to counteract them, the result of which was that other agents should be appointed, and a counter petition was talked of, but nothing was definite on that subject, as doubts were entertained that it might not be attended with success, and if so, it would operate unfavorably: but, as Mr. Burnet was going to Cincinnati, and Mr. Smith, a leading member, in company with him, it was left to him to act according to circumstances. If Mr. Smith enters into it, it will go down almost universally in Hamilton county. But it was agreed that Mr. McMillan should, if he could be prevailed upon, be sent from that part of the country. Since the bill has passed, ruminating upon the subject, it appeared to me that it would be very useful that another gentleman should be sent from the upper part of the country, and I thought that Mr. Tod would be pleased with it, and, in a conversation I had with him this morning, I proposed it to him. Though it would be inconvenient to him, he did not know that he could spare the time, but he supposed some gentleman from Marietta would be thought of. The result of this conversation I communicated to your delegates, and it seemed to be their opinion that, as Mr. Fearing was already at Washington, it would be more proper that another should go from Trumbull other than that place, and that Mr. Tod would, perhaps, answer as well as any that would be thought of. Their opinion coincided perfectly with mine, and I farther observed to them that his political principles would, in the present case, render him more useful than some others, or than he otherwise could be. There was one difficulty in the way, which I observed to Mr. Tod—the uncertainty ot being able to raise a sum of money sufficient to indemnify any gentleman that might be sent. He thought there would be no difficulty in that; he did not suppose that it would require more than three hundred dollars, and if one hundred and fifty could be made up in Washington, he was sure the like sum could easily be raised in Trumbull, and it is the opinion of Mr. Putnam and Mr. Cutler that there will be no difficulty in it. But I suppose they both write by this mail.

After Mr. Burnet had left us, and, casting the subject of a petition in my mind, it appeared to me that one might be framed which, if signed by the principal people in the upper and lower part of the country — by people who are somewhat known abroad—it might answer all the purpose of sending round the country for subscriptions, and I inclose you the sketch of one, which I have also communicated to your representatives. It met their approbation, and I believe they have sent some copies to two or three places in your county. It is a sketch only, and should the matter of it be approved, it may be modified in any manner that shall be thought most conducive to the end proposed. But I must again take the liberty to mention that all this is in confidence, though I am certain it is an unnecessary caution. At any rate, the petition must not appear in my handwriting.

GOVERNOR ST. CLAIR TO PAUL FEARING.

CHILLICOTHE, *December* 25, 1801.

Sir:—I wrote to you two or three posts ago, that a bill would pass the legislature, declaring the assent of the Territory to a change in the Ordinance for the government of it, so far as respects the boundaries of the States to be erected therein at a future day. That bill has been enacted into a law, and a copy of it, together with a resolution of both Houses relative thereto, are inclosed in my public letter of this day. This measure has produced considerable agitation in this place. A committee was immediately appointed, a petition framed, and agents sent with it into every part of the counties of Ross and Adams, and, I believe, into most parts of the Territory, to procure subscriptions.

The petition inveighs bitterly against the law, and goes so far as to call it a conspiracy of the representatives of the upper and lower parts of the Territory to ruin the midd part. You know very well how easy it is amongst such an uninformed multitude as is the bulk of our people to obtain subscriptions to any thing that appears in the shape of a petition; but means will be laid hold of on this occasion to engage them on its side. It has been represented as the effects of a conspiracy, as I have mentioned, and as a scheme of the Governor to retard the entering into a State government, and to that end, to bring about a division of the country into two temporary governments. Though I never saw the bill till it came to me from the legislature, I had heard of it and heartily approved it, and, should it be the means of bringing about such a division, I should consider it as the most fortunate thing that could have happened for this country. The taking upon ourselves, at this early period, an independent government, can produce nothing but misfortune.

Where is the information necessary for the formation of a constitution for so extended a country, inhabited by people whose manners and habits are so different? and where are the means to support it? Our people are all so poor (a few excepted about this place, who have suddenly raised fortunes by speculations in lands, and many of those not the most honorably, that they can barely live in a very wretched manner; but, of the few towns, there is scarce a habitation to be seen better than Indian wigwams. The greatest part of the people are new comers, and you well know that it requires a long time to subdue a country all in forests, and much labor and expense, so that had we even many men of talents and information, as we certainly have some, they have no leisure from the calls to provide for their future welfare, to employ their thoughts on abstruse questions of government and policy.

These are truths that are generally acknowledged in your county, as they are also by many in Hamilton, and, from the information I have from Mr. Tod, is the case also in Trumbull. Means have been thought of to counteract the efforts of the gentry here, and counter-petitions were proposed, but they had got the start; and, as persons who have private views, and only use the people as means to accomplish them, are generally more active than those who have only the public good in view, and seldom stick at any thing, true or false, that promises them success, I am inclined to think that petitioning generally will be abandoned, and a representation from the most influential and best known characters substituted. To support the petition for this quarter, Mr. Worthington and Mr. Baldwin are appointed, and will set out early next week, and I think it probable that Mr. McMillan and Mr. Tod will follow them before long. In the course of a week, I shall probably be able to inform you with certainty. In the meantime, should you think it would be useful, might not the list be kept back for that time? You would probably be better able to take your measures than if it were produced immediately on receipt of it.

This is, however, a mere hint, and I am very sensible I have no right to go farther, and am very happy that a matter which I think of great consequence to this country is confined to your prudence. The paper of the day has at this moment come in; it contains a foolish protest of seven of the members against the bill. I send it under a cover, and a copy of the journals, as far as they are printed. . . .

A part of your instuctions, which I forwarded before, is to procure a legislative construction of that part of the Ordinance which gives power to the Governor to erect counties. That is, in my opinion, an improper mode. The true way would be to refer it to the Supreme Court, but it is most probable that it will be referred to the Attorney-General. But to whomever it may be referred, I request the favor that you will lay before them my answer to the joint address from the committee on that subject during the last session, which you will find in the Journal of 1800, which I forward you.[1]

---

[1] Mr. Fearing wrote in reply from Washington city, under date of January 11, 1802. He said that he had not received the Journals referred to, that several letters, including one from Mr. Sibley, had failed to reach him, and he suspected the post offices. He concluded as follows:

"This day the act passed the Senate, which had before passed the House, fixing the ratio for representatives at 33,000. The Senate are hammering at the judiciary; and, I believe, whether constitutional or not, it will be repealed, as well as laws laying an internal revenue. Popularity appears to be the order of the day. Public faith can not be put in competition."

The census of the Territory showed the following inhabitants:

	MALES.	FEMALES.	
Whites, 10 years of age	9,362	8,644	
Whites, 10 and under 16	3,647	3,353	
Whites, 16 and under 26	4,636	3,861	
Whites, 26 and under 45	4,833	3,342	
Whites, 45 and upwards	1,955	1,395	
	24,433	20,595	
Whites			45,028
All other persons, except Indians, not taxed			337
Total			45,365

Was the ratio of representation changed to provide an increased republican representation in Congress? It certainly aided the plans of the state party west of the Ohio.

NATHANIEL MASSIE TO THOMAS WORTHINGTON.

CHILLICOTHE, *Jan.* 3, 1802.

Dear Sir:—I have inclosed you a Chillicothe paper of yesterday's date, wherein you will observe every thing material that has taken place since your departure. The correspondence between Colonel Finley and his Excellency is entirely of a piece with the rest of his conduct, and need no animadversions on it from me, as you are too well acquainted with his former conduct.

I can not, however, help being a little apprehensive that the deposition of J. Lane will be attempted to be made use of to your and Mr. Baldwin's disadvantage; that is, to endeavor to excite animosity between you. But let me entreat you not to suffer any thing of the kind to intercept the principal object, and I am in hopes that you will endeavor so to explain the transaction as to give Mr. Baldwin's friends no uneasiness.[1]

The committee has not proceeded on their mission, but I anticipate the principal object, which is to attach as much odium to Baldwin's character as possible, and, of course, to show that you are not much better, for, by lessening the character of one, will, in a great measure, attach some suspicion to the other.

You will receive, inclosed, a petition that I picked up the other day while I was on a tour as far as the Falls with Colonel Meade, who arrived at this place the day you left it. Dr. Tiffin has mentioned to me that he would inclose you a copy of a letter that he received from Mr. Wm. Ludlow a few days ago. It appears from Mr. Ludlow's letter that there will be considerable opposition from Hamilton. So much the better. I would recommend that on your arrival, if you find there is any doubt about an act being passed to express the disapprobation of the General Government, endeavor to have the business postponed a short time, until the Hamilton petitions can arrive. They must have their proportionable weight. I have written Mr. Brown and General Mason by this mail. Having said every thing that occurs at this time, I can only assure you that I shall be as industrious as possible on the occasion, both in writing to my acquaintances in Congress, and endeavoring to procure as many petitions as possible. . . .

P. S. The charges against the Governor will be made the evening of the rising of the legislature.[2]

---

[1] *MS. Worthington Papers.*

[2] The saying, "politics makes strange bed-fellows," finds its exemplification

EDWARD TIFFIN TO THOMAS WORTHINGTON.

January 8, 1802.

Dear Sir:—I have inclosed the within letter to you that you may see the situation of Hamilton county on the interesting question.

---

in this correspondence. Baldwin, who is here spoken of respectfully, was a dissolute young man of more than ordinary talents, who was soon thrown over by his party. Dr. Tiffin, within a very few months, is found writing of him as the most disreputable character in the Territory. When Governor St. Clair appointed Finley colonel of the militia, in 1799, Mr. Worthington was offended [see letter of St. Clair below], yet here they are working together for the removal of the Governor. The preference of Finley for colonel was not the only cause for offense that rankled in the mind of Colonel Worthington. April 14, 1801, we find St. Clair requesting him, as register of the Land Office, to procure a book and enter every section and half-section of land to be offered at public vendue, so that it could be easily identified on the map received from the Surveyor-General; and, later, denying his right to take certain fees. The register declining the advice as to fees, the Governor wrote to the Secretary of the Treasury, and upon receiving reply, July 2, 1801, writes to Colonel Worthington that as he had declined to take his opinion in reference to taking fees from the purchasers of land at public sales for original entries, he submits that of the Secretary of the Treasury, who declares it to be improper. He, therefore, advises him to advertise that such fees were taken under a misapprehension of the law, and that they would be returned to all who would apply for them.

GOVERNOR ST. CLAIR TO THOMAS WORTHINGTON.

CINCINNATI, *April* 14, 1799.

Sir:—Your letter of the 26th March came to hand some time ago. I had previously received from Colonel Finley information that he had been mistaken about Major Dunlap, and I think it is fortunate that you had suggested the probability that he was so, which prevented me from asking, upon the representation, for his resignation.

You will have observed that nothing more commonly happens than that when a person has made a false step he makes several more in endeavoring to recover it. This is precisely my case with respect to you. As I have assured you, nothing was further from my intentions than the giving you any disgust by the appointment of Colonel Finley, and yet I can not but own, as it was done without any intimation to you, with whom I had freely and fully conferred on all other appointments, it was not without reason you were disgusted, and the mode I proposed to remove it was the most natural—indeed, the only one that occurred to me. It was made, however, rather unadvisedly and hastily, for the militia, by the laws as they now stand, are to be formed into regiments, each consisting of two battalions, commanded by lieutenant-colonels, and the two battalions by a colonel, so that, as there can not be more than two battalions in your county, the appointment of

I have by this mail written to Colonel George Jackson, member in Congress from Virginia, in answer to a letter I received from him by last post, I have mentioned you to him and the object of your mission.

We are still in session and as much confused as ever. The committee of safety has been endeavoring to collect evidence against the people of the town but can make out nothing; it will end in smoke. Major Ferguson has this day inclosed his commission to the Governor, and I am informed several think of following Colonel Finley's and his example. Robert Gregg is appointed Judge of Probate, etc., and Mr. McLaughlin, collector in the room of H. Massie, resigned. We hear Mr. John McDaniel is very unsuccessful in obtaining petitioners, and I expect we shall soon send out a great many petitions. I shall expect to hear from you often. Your family and mine are all well.[1]

---

another colonel can not take place at present. This affair has given me uneasiness, and I certainly had great reason to be satisfied with your activity and public spirit, and had no other reason for appointing Colonel Finley than that of his being an old officer from whom I expected the militia would receive more improvement than from any person who had not seen service. I will divide the militia into battalions, but will not effect it until I have an opportunity to see you, and I propose being in your town in a few days. So soon as their number will admit of forming a third battalion it will be done, and then another colonel may be appointed.

I was hurt at your observation on the postage. I would have you believe that I set too much value on your correspondence not to pay cheerfully for the transportation at all times I may be favored with it.

A pamphlet, in answer to Mr. Nicholas' letter to his friend in Virginia, made its appearance a few days ago. This seems to be a complete answer and refutation of that letter, and had the author left out the reflections and comparisons he has made on negro slavery would have been unexceptionable. I have sent you a copy by the bearer.[1]

---

(1) *MS. Worthington Papers.*

[1] It is to the credit of Governor St. Clair that his correspondence nowhere contains evidence of any unfriendly feeling towards Dr. Tiffin, and in that respect is in striking contrast with the temper displayed in the letters of the latter. Governor St. Clair received Dr. Tiffin cordially, as he had been requested to do by General Washington, in the following letter of introduction; but he could not confer on him as many official favors as was requested and expected:

GENERAL WASHINGTON TO GOVERNOR ST. CLAIR.

January 4, 1790.

Sir:—Mr. Edward Tiffin solicits an appointment in the Territory northwest of the Ohio. The fairness of his character in private and public life,

GOVERNOR ST. CLAIR TO JAMES ROSS.

CHILLICOTHE, *January* 15, 1802.

Dear Sir:—Though I have nothing to inform you of that will afford you much entertainment, yet I will give you some account of our proceedings, and I am the more led to trouble you with it because my very good friends, Mr. Worthington and Mr. Baldwin, are now at Washington, and I have every reason to believe that so far as the proceedings can be twisted so as to appear unfavorable to me, they will be so twisted by them.

The law declaring the assent of the Territory to an alteration of the Ordinance, so far as relates to the boundaries of the States to be hereafter erected therein, passed by a majority of two-thirds in the House, and unanimously in the Council. This is said to be a measure of mine, and calculated to retard the going into a State government. That it met my hearty approbation, as it might possibly have that effect, is certainly true, but I never once heard of it till the bill was before the House. I am, however, most confident that, should Congress authorize this Territory to become a State at this time, this country is devoted to misery and ruin, and that it will be very fortunate for the people if it can be prevented for some years to come. In that time it is probable that the present heats, which have been artificially raised, will be cooled down, and that Congress will see a propriety in the proposed alterations which would render all the State of a manageable size, while the principal rivers, except the Scioto (and that can hardly be called a navigable river), instead of bounding them would run through their different centers.

The subject of the different construction of the Ordinance as it relates to the power of laying out counties, was again brought on the carpet, and protest offered against the construction by which I had governed myself. It was rejected by a very great majority, four

---

together with a knowledge of law resulting from close application for a considerable time, will, I hope, justify the liberty I now take in recommending him to your attention; regarding with due attention the delicacy as well as importance of the character in which I act, I am sure you will do me the justice to believe that nothing but a knowledge of the gentleman's merits, founded upon a long acquaintance, could have induced me to trouble you on this occasion. With sincere wishes for your happiness and welfare, I am, etc.,

GEORGE WASHINGTON.[1]

---

(1) The original is in possession of Dr. W. H. St. Clair, of Effingham county, Illinois, a great grandson of General St. Clair.

only, I think, appearing in favor of it; but I believe I had best quit this detail and send you the journals.

On Christmas evening, and the evening preceding, there were unlawful assemblies with the avowed intention of insulting certain members at their quarters, and to burn the Governor in effigy. At the head of the last was Mr. Baldwin, and he was not prevented from it but by the splendid exertion of Mr. Worthington, who was obliged to go so far as to threaten him with death. As to the effigy, it would not have disturbed me in the least had I known of it, which I did not until the next day, that was Christmas.

I was, in the evening, in my chamber, writing, when I heard a violent noise in the house below, and immediately went down to know the cause of it. Every thing was in an uproar; a number of people in the passage and a great many in the street before the house. I soon found that, in a very rude manner, several of those people had forced themselves into the room where the members had dined, abused some of them, and one of them was actually collared. That gentleman was armed with a dirk, which he instantly drew, and very fortunately was prevented from putting the fellow to death who had collared him. The sight of the weapon had the effect to make them quit the room, and the passage I found full, as I have mentioned. I expostulated with them, both in the house and in the street, set the consequence before them, and, in the meantime, sent for a magistrate and the sheriff. The sheriff was out of town, but a deputy attended, and the magistrate, and, after some time, they were dispersed. When all was quiet, I returned again to my chamber, and went to bed. But it was not long after till one of the people, who had been most violent, returned, and had not Mr. Worthington come in about the same time, mischief would have ensued.

On Monday, I called on the magistrate, and desired him to call the persons before him, and bind them over to the next court of quarter-sessions. He did call them before him, but instead of putting them under recognizance, informed me in writing that he had found that they were not guilty, and dismissed them. This led to some correspondence which ended in his resigning his office, and the whole was laid before the assembly. I have been thus minute because the affair I have no doubt will be very much misrepresented, for I have heard from several places on their route, that Worthington and Baldwin have been loading me with every opprobrious term that could be thought of; or rather Baldwin, and the other not contradicting it. I know your friendship would lead you to doubt their story, but it will be told to many who do not know me, and it is not unlikely to the President himself. Should that happen, if you can not do it yourself, can you not get conveyed to him that I have but five enemies in the Territory, except some they have misled and who probably never saw me. These are Worthington, Tiffin, Massie, Darlington and Baldwin, and the last never was five minutes in my company in his life. All the others have been obliged to me, and one of them holds the best office in the Territory.

A good opportunity of serving Mr. McLaughlin presented itself a few days ago. Henry Massie resigned the collection of the taxes in the military district, and Mr. McLaughlin is appointed. It produces about four hundred dollars per annum.

GOVERNOR ST. CLAIR TO PAUL FEARING.

CHILLICOTHE, *January* 15*th*, 1802.

Sir:—On the 25th of last month, I inclosed to you a certified copy of an act declaring the assent of the Territory to an alteration of the boundaries of the States hereafter to be erected therein, which I have been requested by the House, to forward to you, and, at the same time, troubled you with a private letter, as I had done some time before. Whether any of those letters got to your hands is uncertain, and whether they ever will, or any that may be written to you from this place, is much doubted. We have long thought that very improper practices prevail in the post-office here. During the last session the communication with Mr. McMillan was suppressed, and when it was not was very irregular. Out of five letters that I wrote to him, three only reached him, and of five or six written by him to me, some miscarried certainly, and one reached me two weeks after his return to Cincinnati, though he had made a journey to New Jersey in the meantime; and the same happened to Mr. Burnet's correspondence with him. Whether those practices prevail now I know not, but I know that Mr. Burnet suspects it, as he has received only two from you, covering certain documents that accompanied the President's Message.

Mr. Worthington and Mr. Baldwin must have been arrived at Washington some time. Mr. McMillan will not set out under ten days yet to come, and it seems doubtful whether Mr. Tod will go or not. I believe there are two reasons that operate against it; one is, that Mr. Meigs has already gone from Marietta and declares himself friendly to the division, and wishes that the people of your county may petition Congress on the subject and authorize him to present it; another, and I suppose the principal one, is that there would be some difficulty in raising the money necessary for a special agent. I am sorry for it; not that I think the petition would not be in good hands if intrusted to Mr. Meigs, but that the sending some person from Trumbull would be the means of uniting a great many interests, and giving each more weight; but the idea of putting the petition into any hands but yours was never entertained by those who proposed the measure. The services of those gentlemen whom I have mentioned to you were meant to be entirely out of doors, and, *sub rosa*, I have good reason to think new efforts will be made by the agents from this place to work my removal, and from their conduct on the way (for I have heard of them from some places on the way), no falsehood or calumny that malice can invent will be spared. I trust in the integrity of my conduct, and to the good offices of the few who have known me, to counteract them, and yours, I trust, will not be refused.

There were several unlawful and riotous assemblies in this place on Christmas evening, and the evening preceding it, with the intention to insult and maltreat some of the members, and to burn the Governor in effigy—Mr. Baldwin at the head of them—and they were not suppressed without some difficulty, nor until one of the members was actually collared in his quarters. I should have laughed at the effigy. Because I endeavored to have the offenders against the privileges of the legislature brought to justice, a new source of dislike against me is opened. You will, probably, hear it spoken of and represented in a wrong light, but Mr. Worthington, who is a magistrate here, could not disperse the first meeting on Christmas eve until he threatened to put Baldwin to death if he, with the mob he had at his heels, proceeded; nor, on the second night, but by my interference, and that of another of the magistrates sent for by me; and had not Mr. Worthington fortunately come to visit some of the members after I had gone to rest, it would have been renewed; and to him I refer you, if you think it worth while to make any inquiry.

PAUL FEARING TO GOVERNOR ST. CLAIR.

WASHINGTON, D. C., *January 18th*, 1802.

Sir:—By last week's mail I received your letter, which I immediately answered, but in my answer I mentioned the failure of those inclosures, which inclosed the journals you had mentioned in your letter. A day or two after I had written to you, one of our doorkeepers informed me that I had two packages in the post-office that were too large to come free, and that there was nine dollars postage charged on them. I immediately conceived what they were and went up and took them out, and got the postage reduced to pamphlet rate.

I have applied to Mr. Smith, agreeably to your request. He has engaged to comply, but says he can not for a few days, as he is obliged to fill his papers with the debates of the Senate on the Judiciary. The question was expected to be taken up to-day, but the Senate was occupied in executive business; it is generally believed that if the question should now be taken, there will be one or two of a majority for the repeal. If Mr. Ross and Mr. Ogden should arrive, the majority might be on the other side. There are also two members absent who would vote with the present majority, as is expected. But I have calculated the law lost, and the independence of our judiciary much weakened, which, before, I have been led to believe, was secured by our Constitution.

The Chillicothe agents have arrived, and are very anxious to have the business before Congress, and I fear that unless some one from the Territory should be here, who enters fully into the politics of the majority, that the agents and their friends will try to make a political party question of it. I have seen letters which complain that should the division take place we could not go into a State government for fifteen years, and all that time we should be kept in bondage, etc. I wish the persons were here that you mentioned were likely to come on. Several of the members I have heard express a wish that we could have two Territorial governments, and revert into the first stage thereof. Such an arrangement, I think, would be more likely to carry, as we find none but what interest will operate on, and those members who have lands in the Territory would be glad to see us in such a state as that we should want no taxes. Should this reach you before the Assembly separates, please inquire of the gentlemen from the different counties if such an arrangement would be agreeable. You will be able to give me your opinion before the law will be got through. I do not know whether you will be able to read and understand my letter; I have written it in so much haste.

NATHANIEL MASSIE TO THOMAS WORTHINGTON.

CHILLICOTHE, *January* 18, 1802.

Dear Sir:—On Wednesday next, I am in hopes, this session of the General Assembly will end. Nothing very material has been done since you left this place. The committee of inquisition[1] has not made their report, and I am sure if they were left alone they never would, but, for the credit of the inhabitants of this place, I shall endeavor to make them. I attended at their taking of depositions, and every exertion was made to implicate some persons with a design to raise a riot to disturb the Governor and certain members, but they all failed. Indeed, it appeared that some of the members were greatly to blame. Mr. Baldwin was particularly aimed at, but nothing could be raked up.

A resolution was laid on the table some days ago, by myself, requesting Congress to pass an act for our immediate admission into a State government, but it was soon kicked out of the House, it was hardly treated with common politeness. We have now before us a bill to take the census this year, but I am sure it will fail.

You will receive a large packet of petitions by this mail, and chiefly from Hamilton county. From the latest information, that county is more than one-half opposed to the measure,[2] and it appears that the more the subject is examined, the more it is deprecated. I am very sanguine that at the next session the tone of members will greatly be changed in favor of a State government.

A report is in circulation, at this place, that 'Squire Brown is shortly to set out for the city, with instructions to support the Governor's interest, and to use his influence to obtain a judgeship for himself, for, in case the late judiciary system is changed by Congress, I apprehend a judge will be wanting in this Territory, and I rather suppose this is his object, together to use his eloquence to get the division act passed. If there should be a federal judge appointed in this Territory, I should be pleased with Judge Meigs receiving that appointment, and, in that case, a territorial judge will also be wanting; I think Mr. Byrd would fill that office with respect and give general satisfaction. On this subject, you can be better informed from Mr. James Brown, if he is at that place.[1]

---

[1] Legislative Committee appointed to investigate the Chillicothe riot on the occasion of the passage of the act changing the seat of government from that place to Cincinnati.

January 25th, Colonel Massie wrote Mr. Worthington that the legislature closed Saturday without having accomplished much. "The committee of inquisition made their report as if they wished to conceal and draw a veil over the Governor's transactions; the amount of it was that the promoters appeared to be actuated from intoxication." "The last two days of the session we had a little quarreling—our little friend Kimberley was the principal on the one side, and Cutler and Schieffelin on the other. The whole proceeded from Kimberley's having expressed himself rather freely as to the influence that Putnam had over certain members, which stung them rather much."

[2] That is, the measure giving the consent of the Territory to a change of boundaries.

GOVERNOR ST. CLAIR'S REMARKS ON ADJOURNING THE GENERAL ASSEMBLY, JANUARY 23, 1802.

Gentlemen of the Council and of the House of Representatives:—Your joint resolution informing me that the state of the business before the two Houses was such as would make an adjournment on this day proper, and requesting that when it did take place the next meeting might be on the fourth Monday of November next, were presented by your committee two days ago. As it always gives me pleasure to meet your wishes, I cheerfully consented to both.

Your session, gentlemen, has been a long one, and much important business has passed through your hands, all of which that has come to me, excepting the act to regulate marriages, has been approved. There appeared to me so many serious objections to that act, that I could not consent to its becoming a law. Some of its most material parts are nearly a literal transcript of the law now in force. That law has some imperfections, the chief of which, in my mind, is, that both male and female persons are allowed to be joined in marriage at too early a time in life. But the act, gentlemen, so far from remedying that defect, would have carried it beyond all bounds. Marriage there is not even limited to the age of puberty, but, if the consent of a father, a mother, or a guardian, as the case may be, can be obtained, it may be solemnized (and consummated too) before. Cases in which that consent might probably be obtained, will readily present themselves to your minds. Early marriages do, no doubt, conduce to the increase of population and the preservation of morality; premature marriages, on the contrary, are opposite to the one and destructive of the other, and are most commonly followed by regret, disgust, and conjugal infidelity. It can not be proper that at an age when the laws suppose a want of discretion for the common transactions of life, and when contracts made relative to property, how small soever the value of it may be, are not binding, persons should be allowed to enter into the most solemn, the most influential, and the most indissoluble of all contracts; a contract on which the happiness or misery of the whole lives of the parties, or of their progeny, also, in a great measure, depends. The person by whom the marriage may be celebrated is required, be the distance from the office what it may, to present a certificate, in person, to the recorder. It can not, as at present, be transmitted; it must be presented, and that under a heavy penalty; and for this journey, the publication of the banns, and performing of the ceremony, he is entitled, by the fee-bill, to one dollar and a quarter. Inconvenient consequences would result from the third section of the act. I know of nothing that should hinder or prevent persons coming from foreign parts, and actually married, from bringing with them the "credentials" of their marriage. It is usual on the continent of Europe and in Great Britain and Ireland to take certificates of marriage at the time they happen, and should it be then neglected there is no difficulty in obtaining them afterwards.

---

[1] *MS. Worthington Papers.*

It is a precaution which every prudent married couple on leaving their own country will take. Should male and female persons come from foreign parts, and though not married, live together as man and wife, and the woman be permitted by the man to assume his name, he will be as much bound by her acts, as the law now stands, as he would be by the act in question had it been approved. But the chief object to this act seems to have been to take the power of granting licenses to marry without publication out of the hands of the Governor and place it in the hands of the prothonotaries of the courts of common pleas. I can not see, gentlemen, the smallest connection there is between this power and the office and duty of a prothonotary. If a power of dispensing with the requirements of the laws in certain cases can ever be placed with propriety in any man, it must be in the chief magistrate. If this power be found inconvenient, though the experience and practice of, I believe, every State is in its favor, let it be entirely. But I can never consent that a power to dispense with law in any case shall be vested in a subordinate and ministerial officer.

Accept my thanks, gentlemen, for the attention you have paid to every thing that was recommended. Good effects to all the people will, I trust, flow from your labors; and that a well-grounded confidence in the legislature, and a spirit of peace and mutual good-will generally prevailing, will be the result. I recommend it to you, gentlemen, when you return to your counties, and it is much in your power to cultivate that spirit—the balm of private life and the source from which all the pleasures of social intercourse are to be drawn.

Gentlemen, your sessions are now adjourned, to be recommenced on the fourth Monday of November next at Cincinnati, in the county of Hamilton.[1]

NATHANIEL MASSIE TO JAMES MADISON.

Sir:—Believing that Arthur St. Clair, Governor of the Northwestern Territory, has violated that confidence and trust reposed in him by the constituted authority of the United States in presiding over the Territory as their chief magistrate, I have thought proper to exhibit to the President such parts of his conduct which appears inconsistent with the nature of his appointment, trusting that when a high and responsible officer has violated his constitutional duty, that an inquiry will be made into his conduct.

The following charges I wish and request you to lay before the President of the United States:

1st. That Governor St. Clair has degraded his official character in attempting to divide the Territory, by assuming to himself the right of recommending to the Hon. William H. Harrison, the then delegate to Congress from this Territory, in the session of the year 1799, when the legislature of this Territory had been but three weeks out of session, and to Mr. Pickering, the then Secretary of State, a plan of division which was calculated to deprive the inhabitants of the advantage and opportunity of forming a State government agreeably to the provisions of the Ordinance for the government thereof, which has ever been considered as their constitutional guide. That, in his letter to the delegate, he gave as a reason that the division ought to be made as recommended, otherwise a certain part of the Territory would be materially injured, which appears to be that part in which the delegate, as he supposed, was most interested, when to Mr. Pickering he used quite a different reasoning, to-wit: that if the division as recommended did not take place, that the then administration might, with reasonable certainty, expect that the eastern State, as contemplated by the Ordinance, would in a short time become a State government, and the consequence would be that the representatives chosen from said State to represent them in the General Government would oppose the then administration. Indeed, his Excellency did not stop here, but condescended to criminate and represent the individual opinions of the different settlements of the Territory, saying that such a district of people was Republican, and another was in favor of the then administration; and to enforce his reasoning more strongly on the probability of the majority of the said contemplated State being Republican, he referred him to the neighboring States of Kentucky and Tennessee; but, trusting that if the division as recommended was made, that such an influence as the General Government was capable of making might operate a change to their advantage. Viewing such conduct as degrading to the office of a chief magistrate, inasmuch as it appears that he was placed over the independent sentiments of the inhabitants of the Territory rather than their chief magistrate, I can not for a moment believe that the President will ever encourage such conduct. To his letter to the Hon. Mr. Harrison, which was printed for the use of the members of both Houses at that session, and to his letter to Mr. Pickering at the same time, I beg leave to refer you; if the last-mentioned letter was a private one, a copy, or the substance thereof, I can procure and will forward when requested.

---

[1] This general assembly did not again convene. The State party succeeded in getting an act passed by Congress providing for erecting the Eastern District into a State, and prevented the State legislature from having any part in the business. The convention to form a State Constitution met early in November, and, at the request of that body, Governor St. Clair issued a proclamation postponing the day of meeting. For further particulars, see Vol. I, pp. 224-47.

2d. That the Governor has demanded and received from the citizens of this Territory oppressive fees in the execution of his official duty unauthorized by law; for the confirmation of this article, I refer you to his letter on that subject.

3d. That the Governor has violated the constitution of this Territory in assuming to himself the legislative powers thereof, by erecting new counties out of counties already laid out, and thereby altering their boundaries, and fixing the permanent seat of justice. I will refer you to his several proclamations on this subject.

4th. That in public companies he has frequently manifested a hostile disposition to a republican form of government in asserting that a monarchical government was the only form that could or ought to be supported, thereby degrading his official character as the chief magistrate of a people attached to a republican form of government.

5th. That the Governor has attempted by his official influence to make justices of the peace of this Territory depart from their duty, and thereby to place the life, liberty and property of the citizens at his control; his conduct in the case of Colonel Samuel Finley, as a justice of the peace, and certain citizens of the town of Chillicothe, as will appear from the Scioto *Gazette* of the —— date.

Having the fullest confidence in the Chief Executive Magistrate of our General Government, I trust the above charges will have his serious and mature consideration.[1]

THOMAS WORTHINGTON TO THE PRESIDENT.

CITY OF WASHINGTON, *January* 30, 1802.

Feeling no prejudice toward Governor St. Clair as a man,[2] but, on the other hand, viewing him rather with an eye of pity, it is not a pleasing task to me to be obliged, in defense of what I conceive the just and lawful rights of myself, in common with my fellow-citizens of the North-western Territory, to remonstrate against his conduct. In doing this, sir, no circumstance shall be stated which can not be substantiated by proper testimony. I will not trouble you with every act of Governor St. Clair which has caused discontent, but will confine myself to those which have given general dissatisfaction, and which have tended, in their consequences, to produce ferment and confusion in his government.

---

[1] *MS. Worthington Papers.*—For the formal charges drawn up by Massie for the President, see following letter — Thomas Worthington to the President.

[2] It will be seen from the following that the original instructions restricted Messrs. Worthington and Baldwin to the work of defeating the act of the territorial assembly. The junto of the State party had other views, and soon managed to enlarge the powers of the agents so as to embrace the removal of St. Clair and the admission of the eastern district as a State.

TO THOMAS WORTHINGTON AND MICHAEL BALDWIN.

Gentlemen:—By virtue of the trust reposed in us by a number of the [inhabitants of the] North-west Territory, who did, at a general meeting, constitute you their agents to attend at the present session of the Congress of the United States, in order to use your utmost exertions to prevent a law, passed at the present session of the general assembly of the Territory, being carried into effect, entitled, "An act declaring the assent of the Territory north-west of the Ohio to an alteration in the Ordinance of the government thereof," because they believe the act to be a violation of their constitutional rights, and unjust in its tendency and operations.

We do hereby instruct you to take proper measures to have the remonstrances of the people laid before Congress, together with such of the journals of the House of Representatives as relate thereto; and, also, the protest filed by the minority of the House of Representatives against such act.

We do, likewise, instruct you to represent to the members of both Houses of Congress the apparent motives which induced the majority of the said House of Representatives to vote for the said act.

By order of the committee,

SAM. FINDLEY, *Chairman.*

Attest:

JOSEPH KERR, *Secretary.*

I am well assured, sir, that you will need no arguments to convince you that there is always much difficulty in establishing facts which shall be the grounds on which to found the impeachment of an officer placed in the situation of Governor St. Clair, yet there may be more than enough to prove that the general tenor of his conduct is such as to show him unworthy of so high and confidential a station in the government of a free people.

The very extensive powers given to the Governor by the Ordinance for the government of the Territory will, in almost every instance, be resorted to as a shield to defend him against complaint. But, when the whole tenor of his conduct is marked with a design to promote his own pecuniary interests and gratify his ambitious and tyrannical disposition, regardless of the welfare and happiness of the people governed by him, I trust, sir, that a wise and just government (which I believe that of the United States to be, and to which the people of the North-western Territory look up for protection and a distribution of equal rights and justice) will not be regardless of their well-founded complaints. To prove what has been asserted, let facts be stated which can not be confuted:[1]

---

[1] Accompanying Mr. Worthington's letter were charges which had been formulated by the Chillicothe junto, as follows:

CHARGES EXHIBITED TO THE PRESIDENT OF THE UNITED STATES AGAINST THE HONORABLE ARTHUR ST. CLAIR, AS GOVERNOR OF THE TERRITORY OF THE UNITED STATES NORTH-WEST OF THE RIVER OHIO. DRAWN UP BY NATHANIEL MASSIE AND PREFERRED BY THOMAS WORTHINGTON, AGENT OF THE STATE PARTY, AND REPUBLICAN LEADER.

1. He has usurped legislative powers, by the erection of courts and location of the seats of justice by proclamation, on his own sole authority.

2. He has misused the power of negativing legislative acts by putting his negative on laws useful and necessary for the Territory.

3. He has refused to perform the duties of his office but on the payment of arbitrary fees not established by any lawful authority.

4. He has negatived acts of the legislature abolishing those fees, and passed their act giving him $500, meant as a compensation for that abolition, thereby holding both the fees and compensation.

5. He has attempted to effect the dismemberment of the Territory, and to

He has wantonly rejected laws passed by the representatives for the good of the people, and as wantonly usurped the power of erecting new counties contrary to any consideration of words, and when the united voice of two branches of the legislature remonstrated against it. At the commencement of the first session of the territorial legislature, in 1799, sundry petitions were presented to the Governor praying that new counties might be laid out; these petitions were sent down to the House of Representatives, and the petitioners informed by the Governor that they must apply to their representatives, as his powers to lay out new counties ceased with the commencement of the representative government.[1] Six laws were therefore passed erecting new counties by two branches of the legislature, all of which were (not until the day he prorogued the assembly, nor was his change in opinion known before) rejected. Five other laws were rejected—in all eleven at the same session—the expense of which to the Territory could not be less than three thousand dollars, and near one-third of the labors of the session were lost. The Governor's address to the assembly on the last day of the session will be found, and will verify the foregoing charge.[2]

He has, in the appointment of civil officers in the new counties

---

destroy its constitutional boundaries, in order to prevent its advancement to those rights of self-government to which its numbers would entitle it.

6. He has granted commissions generally during pleasure; but that of Attorney-General to his own son during good behavior.

7. He has endeavored arbitrarily to influence and control the proceedings of the judiciary, and has revoked or effected a surrender of the commissions of those who have refused to bend to his will.

8. He has appointed persons residing out of a county to offices the duties of which were to be habitually performed within them.

9. He has [neglected and thereby[1]] obstructed the organization and disciplining of a militia for the defense of the Territory, by withholding the appointment of officers eighteen months after a law had passed establishing them.

10. He has avowed his hostility to the form and substance of republican government [and contempt of militia regulations[2]].

[1] There was no evidence furnished to substantiate this statement. The Governor's views as to his powers under the Ordinance are frequently and forcibly set forth in the preceding pages.

[2] See page 561.

---

(1) Added by Thomas Worthington.

(2) There were eleven charges as drawn up by Nathaniel Massie, but the last was not inserted in the copy submitted to the President by Colonel Worthington, which is in his handwriting. The eleventh charge was as follows:

11. He is in the habit of indulging himself in arbitrary and rude conduct toward those who have to transact business with him, or under him.

within the Territory, selected persons who resided without the county, and were his favorites, to the most lucrative offices, contrary to the wishes of the people, and when there were characters well qualified to fill such offices residing within such new laid out counties.[1]

He has created perquisites to his office which are unjust and illegal. For every tavern license granted before the last session of the Assembly he received four dollars; for every ferry license granted before the session of 1799, he received one guinea;[2] he now receives one guinea for every marriage license by him granted. Fees are received on militia commissions, and are also charged on all the commissions of the civil officers in each newly-erected county, in proportion as the commission is lucrative.

He has attempted to make the judiciary dependent on his will; and when justices have acted with firmness and independence in giving such a construction to an existing statute law as appeared to them reasonable and right, their commissions have been revoked by his proclamation.

He is an open and avowed enemy to a republican form of government, and an advocate for monarchy; is also an open and declared enemy to militia regulations, which declaration his practice hitherto has confirmed, as the militia in the Territory are without organization,[1] although a good militia law has been enacted for two years past.

---

[1] St. Clair held to the opinion (see his plan for a government, laid before the Council of Censors) that the people should not be restricted to local bounds in the selection of public officers. There were two instances which formed the basis for the charge preferred by Mr. Massie and Mr. Worthington.

[2] In a letter to Mr. Madison, Secretary of State, June 17, 1802, reviewing the charges of his enemies, the Governor explained as to the fees that they were warranted by law, except in the case of ferry licenses. The subject had been considered by respectable authority, who decided there was no legal obstacle in the way of collecting a fee for such licenses; that it was customary in other States, and had been demanded on the principle of *quantum meruit.* The Governor says, in the letter to Mr. Madison: "Be pleased, sir, to consider that the ferry licenses were a public act, under the seal of the Territory, whereby the parties acquired a freehold in the ferries, and could not be ousted from them, but in consequence of a breach ascertained by a jury; that I conceived I had a right to demand a fee, and that the fee demanded was not exorbitant, taking into view the benefits accruing to the parties paying it; that it could not have been demanded from avaricious motives, the whole amount received not exceeding ten guineas; and that the salary was in fact no compensation for the labor and expense to which I was exposed in the execution of the office."

He has created, and endeavored to attach to himself a party,[2] and in conjunction with them has made attempts, and in some measure succeeded, to destroy the harmony and divide the interests of the people, affecting to promote the local interests of certain places, thereby enlisting partisans to support his views. The late effort to alter the bounds of the States in the Territory originated with the Governor, and has been supported by his influence in every stage. If a letter written by him to Mr. Pickering,[1] then Secretary of State, in December, 1799, or in the succeeding months of January or February, 1800, can be found in the office of the Secretary of State it will prove this assertion beyond a doubt, for in that letter the very plan which the Governor and his party have pursued was pointed out to the Secretary of State, and it was urged by the Governor that the then adminstration should procure a division of the population of the Territory so as to prevent any part from becoming an independent State; because, when they did they would oppose the views of the administration. It will be proper for me to observe that Mr. Pickering permitted Mr. Harrison, then a representative [delegate] in Congress, to read this letter,[2] and that Mr. Harrison, on the same day, stated to me the substance thereof, and is now willing to support with his deposition what I have stated. The paper marked "3" is the copy of a letter from the Governor to Mr. Harrison,[3] and points out the same plan, but in a different shape. Here territorial divisions are contemplated as the necessary consequence of State divisions, or might be preparatory thereto.

---

[1] In view of the utterances of the Governor on the occasion of his first public appearance in the Territory; of his work on the first law adopted, which was a law to organize the militia; of subsequent recommendations, and of his public remarks to the militia of Hamilton county at a Fourth of July celebration, the boldness of this charge is remarkable. But it is made to appear more ridiculous when placed side by side with the following communications, addressed to Nathaniel Massie, author of the charges laid before the President, on this very militia subject, in the year 1800:

GOVERNOR ST. CLAIR TO COLONEL NATHANIEL MASSIE.

CINCINNATI, *April* 21, 1800.

Sir :—Herewith you will receive the act regulating the militia. You will observe that by the seventh section the commanding officers of regiments, battalions, and companies are required to meet at the court-houses of the respective counties on the first Monday of May next, and to divide the counties into districts, to be designated by and within certain lines and limits, which are to be recorded. At the same time, a perfect return of the officers of the militia in each county must be made and transmitted to the office of the Adjutant-General at Cincinnati, accompanied with an accurate list of the numbers wanting to complete the establishment. To fill up the vacancies in your county I will take it as a favor of you to mention the persons who seem to you best qualified. I am, sir, etc.

GOVERNOR ST. CLAIR TO COLONEL N. MASSIE.

CINCINNATI, *August* 20, 1800.

Sir :—On the foregoing page is the duplicate of a letter I wrote to you on the 21st of April, to which I have received no answer; neither has the division of the county of Adams into company districts, or the list of officers wanting to complete the militia to the new establishment been received at the Adjutant-General's office. You must be sensible, sir, that without them the militia can not be organized conformably to law, as well as of the ill-consequence that may flow from a neglect of it. I request, sir, that they may be no longer delayed, and am, etc.

[2] One can imagine the broad smile that must have spread over the face of Thomas Jefferson when he read that solemn accusation from the pen of his ambitious political manager in the new Republican State. Perhaps his thoughts went back to the time when, while Secretary of State in the cabinet of Washington, he laid the foundation of a new political organization destined to endure longer than any other in America, and to the success of his own plans, which had elevated him to the Presidency. He must have felt a touch of sympathy for poor St. Clair, while admiring the clever skill of his friend Worthington in rounding a period on the civil service to catch the popular ear.

In a few days I shall receive documents to support in the most positive manner the fourth and sixth charges.[4] Should it be required, many other facts can be stated equally disagreeable to the people, and to which they have patiently so far been obliged to submit.

---

[1] A confidential letter, in interest of the administration.

[2] Doubtless Colonel Pickering, who was in the cabinet of John Adams, supposed Mr. Harrison would approve of the plan.

[3] See page 489, St. Clair to W. H. Harrison.

[4] But the charges were never effectually sustained, although pressed upon the attention of the President and Secretary of State for months. They did not move the President to take action, as fondly hoped for by the junto. Mr. Jefferson thought it wiser to await that legislative action, then under consideration, which would surely add a new State to the Republican column. He contented himself by directing his Secretary of State to advise Governor St. Clair that it would be better to let the General Assembly form the new counties, and that the custom of receiving fees for marriage

EDWARD TIFFIN TO THOMAS WORTHINGTON.

CHILLICOTHE, *February* 1*st*, 1802.

Dear Sir:—By the last mail I received your first letter from Washington, dated January 14th, 1802, and am glad to find that you are encouraged to hope that you will finally succeed in the objects of your mission.

I have used every exertion to get Colonel Massie to draw up and forward on his charges. We appointed three different times to meet on that business. I always attended, but could never get him there. He has, before I received yours, left town, and when I shall again see him I know not. I forwarded on, by last post, three depositions. I did not certify that Colonel Finley was a justice of the pleas through neglect. I now inclose a certificate to attend them, should you be disposed to make any use of them.

With respect to a State Government, I have endeavored to get a meeting of the committee; they are of opinion that all the petitioners to the petitions already forwarded may be considered as petitioning for a State government, and I do assure you that a desire for a change of government is still increasing throughout the Territory, and could any thing be done this session of Congress towards it, the people would be highly gratified; almost all the members of the House of Representatives, before they left this place, declared that

---

and ferry licenses had better be ignored for the future. To this gentle hint St. Clair responded in a note dated:

WASHINGTON, *June* 23*d*, 1802.

. . . A stop shall be put to the fees immediately. There are few instruments so carefully drawn that different people will not differ about their true construction. The construction of the Ordinance for the government assumed by me, as it respects counties, I thought right, and it has been acted upon with the single view of producing the general good of the counties respectively, without respect of persons; but, since the Executive has thought it wrong, I shall certainly correct the error in future. I request you, sir, to have the goodness to convey to the President the sentiments of my high respect, and to accept my thanks for the delicate manner in which you have been pleased to communicate the animadversions, which, to my extreme regret, he has had occasion to make. A. ST. CLAIR.

Before this result is reached there are other letters which will engage our attention, and which will occasion surprise and reflection. In striking contrast with this desperate scheme of a few men to secure the removal of the veteran St. Clair, are his references to them in preceding letters, as, for example, that to Timothy Pickering, March 30, 1800, *ante*. But we are in the very mid-summer days of party passion, when reason and a sense of justice no longer control the actions of men.

they now saw nothing but a change could remedy the evils we labored under, and that they heartily wished it could be effected. Mr. Smith is sorry he voted for an alteration in the boundary lines. Langham is, I am told, now a great advocate for a State government, and promises the people his exertions—*but a new election, which is approaching, has made him a convert.* I forgot in my last to mention to you that the militia law is amended so as to repeal all that part which provides for the appointment of general officers. I opposed it violently in the House and got it thrown out. But the Council originated a new bill at the close of the session and got it passed. I am informed the Governor intends to start in a week or two for Washington. What are his objects I know not. McMillan is expected daily through here also. The people of Cincinnati have raised four hundred dollars by subscription, and pay him six dollars per day to assist Mr. Fearing. You see they think their *Diana* in danger.[1]

NATHANIEL MASSIE TO THOMAS WORTHINGTON.

CHILLICOTHE, *February 8th*, 1802.

Dear Sir:—Your letter of the 25th ultimo, together with your two other letters, came safe to hand. In the hurry of writing this letter, I can only tell you that I now inclose you the several proclamations asked for, and by the next mail you will receive the charges against the Governor in due form. Suffer me, my dear sir, to tell you that I am highly gratified with your conduct, and if you can remain a short time longer you will be assisted with all the aid that we can give you. However, I believe you have never thought that we would not afford you every assistance that was in our power.

You have been pleased to observe, in one of your letters, that in case the old man was removed who was to be the man, and asked me whether I would accept of the office. Be assured, sir, that under the circumstances in which I at present stand, nothing on earth would induce me to accept of the office. My first and greatest wish is to get him from the head of our government, and then I am sure some suitable character might be found. I differ from you in opinion, and in that difference you will readily reconcile to yourself that our object is the same, viz: The happiness of our country is our primary object. Such, I believe, to be yours. Any person that is not a resident will come to this country unconnected with party concerns. Such I must view every character at present among us, and most probably such a person will give more general satisfaction than any other. However high I respect my country, I must be suffered to tell you that a short time hence I will not be seen in public life; not that I believe myself possessed of any extraordinary talents to render my country that service which at present she requires, but I believe, after a State government is formed, I can, with safety and peace of mind, remain at home, where social happiness is only to be found. I am now writing with our friend Tiffin, who will probably tell you something more than I do at present. I must, before I close this letter, inform you that at our next session the prospect of a State government is greater than it has ever been since our acquaintance

---

[1] *MS. Worthington Papers.*

Governor St. Clair to Thomas Jefferson, President.

Cincinnati, *February* 13*th*, 1802.

Sir:—It is most probable that the violent exertions made last winter, when my term of office expired, by some persons from this Territory, in order to prevent a renewal of it, did not escape your notice, but it may not have come to your knowledge that, to accomplish that object, the basest means, the vilest falsehoods, and the foulest calumnies were resorted to; nor that, at the very moment, they were, every one of them, guilty of the blackest ingratitude. By letter, sir, received from Washington by the last mail, I am informed that the same persons, or some of them, are now endeavoring by like means to ruin me with you, and scruple not to opine that my removal is decided on. I hope and trust that the case is not so. If they have, sir, found their way to you, I entreat you not to give implicit credit to their suggestions.

For ten years of the twelve I have held the government, the confidence, the approbation, and the good wishes of the people constantly attended me, nor would these have been lessened but for the insidious practices of those aspiring individuals.

I dare to challenge the whole world to produce an occasion in my administration in which a single individual has met with opposition to an act to further the interest and welfare of the people.

To the accomplishment of these objects I have given up the best years of my life, at the expense of my health and fortune. It is certainly true that I have, all along, used my best endeavors to keep

---

[1] *MS. Worthington Papers.*

the people steady in their attachment to the General Government, and, so long as this country remains in a colonial state, and the administration is in my hands, so long will those endeavors be continued, by whomsoever that Government may be conducted.

Placed at a happy distance from, and unconnected with any of the parties in the United States, I have devoutly wished the general happiness, and faithfully labored for those of this particular quarter, and endeavored to throw my mite into the general treasury, by forming the people to industry, to obedience to the laws, to moderation in opinions, and to virtue in their lives and practice. The loss of my office would, I acknowledge, sir, be very inconvenient, for, though the duties of it have occupied constantly and exclusively more than twelve years, the expenses necessarily incident to it and the maintenance of my family, on a very narrow scale, have swallowed up much, indeed, nearly all, of my private funds, without one single cent being saved from the salary. That is nothing. I may have been sacrificing to vanity, though I have not been sensible of it. But a removal can not take place without deeply affecting my reputation, and that, I own, would be most severely felt. I beg of you, sir, if it should seem to appear, from the representations that may have been made, that such a measure would be proper, to postpone it until I can have it in my power to wait upon you in person, or that you will please to direct an inquiry into my conduct.[1]

EDWARD TIFFIN TO THOMAS WORTHINGTON.

CHILLICOTHE, *March* 1, 1802.

Dear Sir:—I take up my pen just to inform you that Governor St. Clair this day arrived here, and immediately started on to Washington. I expect you will receive this a few days before he will arrive, and prepare yourself for him. I have no doubt but you will have received every document you wished for previous to this, to support the charges exhibited against him.[2] . . . .

EDWARD TIFFIN TO THOMAS WORTHINGTON.

CHILLICOTHE, *March* 20*th*, 1802.

Dear Sir:—By the last mail I received yours, with a copy of the report of the committee on the North-western Territory business, inclosed by Mr. Fowler. I also, for the first time, received a letter from Mr. Fearing, inclosing a copy of the report. He wishes me to write him information how many of the inhabitants of Ross have been taken into any new county since the taking of the late census. I shall answer his letter, but will be very careful that he shall gather no information from me *on that* or any other subject, as I have no confidence in his representations, and I expect you are fully informed on that head.

---

[1] See notes to preceding letter—Thomas Worthington to the President.

[2] *MS. Worthington Papers.*

As far as I can discover, the principles contained in the report of the committee will be pleasing, and, in my opinion, very advantageous to our new State. I am delighted with the idea of striking the line through the southerly extreme of Lake Michigan. My reasons for wishing the line in that direction will *by you* be soon anticipated.

Major Ludlow was here and called to see me the other day. He says Governor St. Clair will be elected to the convention from Hamilton. I think he ought to have cut out a small county, including Cincinnati, before he could have counted on his election. However, I shall be happy to meet him on equal ground in the convention. Ludlow also thinks he will be elected Governor under the new order of things, or, *in other words*, he thinks as some of the people of Cincinnati do, but not as the sovereign people do throughout the Territory.

I am glad to hear you expect the Governor will be removed, and am sorry a proper successor can not be fixed upon. It will be no object for the acceptance of a stranger to the Territory, as the office will soon be vacated by a State government. I think some popular citizen might easily be found who would be pleasing to the people; if that should be a matter of difficulty, perhaps my idea of this subject might meet yours, which is, that the Governor might be removed or suspended, and let the Secretary discharge the duties, agreeably to law, until the new government should be organized, as the duties will be but trifling.

Please send me a copy of the bill as soon as it passes the House of Representatives, with blanks filled up.

We are all much impressed with the obligations we are under to you for your persevering and unremitting attention to our concerns.[1]

---

[1] *MS. Worthington Papers.*

ISRAEL LUDLOW TO THOMAS WORTHINGTON.

CINCINNATI, *March* 27, 1802.

Dear Sir:— . . . From my present view of the business, I agree with you that the adoption of that law will be favorable to us. Although many of our citizens of Hamilton and Washington [counties] are opposed to a State government, yet I believe it is a system which we must adopt, and am happy to find that Congress are disposed to grant us some aid by donation of land and salt springs. It would be desirable that all the salt springs should be on the same terms granted with that on Scioto, as numbers will be found in the Territory at a future day, and one or two are already discovered and reserved near the Great Miami, and are now the property of Congress, as they were not offered at public sale.[1]

REMARKS OF MR. FEARING AND MR. GRISWOLD IN THE HOUSE OF REPRESENTATIVES ON THE REPORT OF THE SELECT COMMITTEE RESPECTING THE ADMISSION OF THE NORTH-WESTERN TERRITORY AS A STATE INTO THE UNION, MARCH 31, 1802.

Mr. Fearing said he should oppose this resolution, but not on the ground of expediency. As the business had been urged forward hastily he had not had an opportunity of consulting his constituents, to many of whom he had forwarded the report of the select committee. He would, therefore, waive any remarks on the expediency of it until a bill was brought in, in the event of the resolution being agreed to, expecting, in the meantime, to hear from his constituents.

But he was opposed to the resolution on constitutional principles. He conceived Congress had nothing to do with the arrangements for calling a convention. It was not necessary on general principles or under the compact, that the Territory in order to be admitted into the Union should form a constitution. By the compact, Congress can give their assent to admit the Territory into the Union before the population amounts to sixty thousand. Their power extends no farther. The compact is the supreme law of the land, and is in the nature of a treaty. What it prescribes must be executed, but, as to arrangements not made in it, they may or may not be made, and they may be made either by law or by a constitution, as the Territory may see fit. Can Congress exercise power given exclusively to the people? He conceived it would be as great an encroachment upon their rights to say they should meet together in convention and form a constitution, as it would be to say so to any State in the Union.

---

[1] *MS. Worthington Papers.*

Gentlemen may say that this power is given to Congress by the consent of the people. The printed documents accompanying the report, if they mean any thing, mean to express the opinion of the people. [Mr. F. here quoted parts of a letter.] Now, if this committee at Chillicothe speaks the voice of the Western Territory, the Congress have the right, contended for; but this the citizens of other towns and counties will not admit. What example will the adoption of this measure hold out to the people of the Territory? If Congress violates the compact, will not the people of the Territory have an equal right to violate it? He hoped, for these reasons, that Congress would, on their part, preserve it inviolate.

Mr. Griswold, of Connecticut: "This is not the first project started this session that goes to a consolidation and destruction of all the States. That this will be the effect of the present measure can not, I think, be denied. What is the condition of the people of the Territory? They are not, it is true, as to every purpose of government, a State; but they have a complete legislature, as fully competent to legislate as the legislature of Maryland or any other legislature in the Union. They are fully competent to the making of all laws to regulate the internal concerns of the government. Now, these resolutions go to interfere with these internal concerns, and to regulate them by law. When the gentleman from Kentucky undertakes to decide the terms on which the members of the convention shall be chosen, I ask him, where is the power? Are not the powers of the territorial legislature as full as those of the legislature of Maryland, and have we not as good a right to interfere with the State concerns of Maryland as to interfere with the concerns of the Territory? I call, then, upon gentlemen to say whether they are willing to sanction a principle that goes to the length of the consolidation of these States? We have the determination of the legislature of the Territory that it is not desirous of forming a constitution at this time. If, then, we go abreast of that determination of one legislature, why not of another? If we go abreast of that of the North-western Territory, why not go abreast of that of Maryland? If, too, you may legislate for these people before they are admitted into the Union, you may also legislate for them afterwards. If you do not like the constitution they now form, you may pass a law for another constitution.

"By a parity of reasoning you may force down a constitution on Connecticut, and say that as they have no written constitution. you will give them one. Acting under such a principle, there can be no stopping-place—you may go any length. If you interfere with the authority vested in others, you *may* go any length, and that consolidation of the States, which some gentlemen wish to see effected, will be accomplished. I am, therefore, on constitutional grounds, opposed to these resolutions. I do not inquire into the expediency of the measure. Let the people judge of this. If they wish a constitution, I have no objection; but I would not impose upon them what the compact does not warrant, nor would I impose arbitrary power upon them any more than upon any of the States.

"The report says: '*Resolved*, That provision ought to be made by law for calling a convention within the eastern division of the Territory, composed of members to be apportioned among the several counties therein, in a ratio of one representative for every —— inhabitants of the said counties, according to the last enumeration of the inhabitants thereof,' etc.

"I understand the project is to portion out the people into districts to choose members of the convention, and I say that, as you have not the power, it is arbitrary and unjust.

. . . .

"I have long been persuaded that when gentlemen are determined upon any particular measure, they can readily find pretexts for it. The constitution is brought to their aid, though the fact is, the Territory existed before the constitution was formed. The people of the Territory never consented to it, nor are they bound by any part of it which gives more power to the federal legislature than is given by the compact. Their rights under the compact can not be taken away by any provisions of the constitution to which they were not a party. I shall, therefore, lay the constitution totally out of the question.

"The gentleman from Maryland and myself agree in one or two points. We agree that it is competent for Congress to admit the Territory into the Union before it has attained a population of sixty thousand. If this were the sole object of the resolutions, I would agree to them.

"We agree in another point—that Congress has not the right to impose a convention upon these people without their consent. The question, then, is, whether it is, or is not, the object of these resolutions to impose a convention. Let us turn to the third resolution, which is calculated in express words for calling a convention by a law of the United States, and taking the population of the last census as the basis of representation. If the principle be a sound one, that we have a right to impose a convention on the people of the Territory without their consent, how are the opinions of the people on the calling of the convention to be obtained? How is their consent to elect delegates to be obtained? The consent expressed on the face of the petition before you can not be said to be legal consent. How else, then, can such consent be obtained? I answer, in no other way than by an act of the territorial legislature, or by going round to every man in the Territory and obtaining his opinion.

"If this be left undone until the election for members of the convention, the result will be a partial expression of the public mind; for one man may vote, and another refuse to vote. Thus, you may get a partial convention, composed of a few demagogues. I say, therefore, that however defective the provisions of the compact, you must obtain the consent of the territorial legislature before you take the step of calling a convention. Believing the inevitable effect of these resolutions will be to impose a convention on the Territory, I am justified in saying they involve an usurpation of power by the United States—a power not *belonging* to them. If the resolutions amount to any thing, they amount to this.

"If gentlemen will first obtain the consent of the Territory in a proper mode, though their population does not amount to sixty thousand, I will consent to their admission into the Union. I am disposed to let them act for themselves—to divide or not divide the Territory into States, as they please; but I am against imposing any thing upon them contrary to their will. They are more deeply interested than we are in the establishment of a proper form of government. They, and not we, are to be bound by it. They, then, ought, in its establishment, to act for themselves, and not we for them. I contend that such a measure is extraordinary in this country. I know that it has been practiced in other countries. I know that in Switzerland, and in Holland, the people were told by the Republic of France they had bad constitutions which required alteration, and that the Republic, with sisterly kindness—without asking their consent—imposed conventions upon them, which formed entirely new systems of government; but I trust the same thing will not be done here.

"I do not think it necessary to inquire into the expediency of this measure, as I have no objection to give my consent to the admission of the Territory into the Union, even without a population of sixty thousand, if wished for by the people; though I have no idea that the people will be benefited by it, as they will then have taxes to pay from which they are now exempt. But I do not consider this as a proper objection for us to make, as it ought to rest with the people to say whether they are willing to pay those taxes.

"I say, again, we have no right to impose a convention. I believe the principle upon which we take this step goes the full length I have stated, and may, if adopted in relation to the Territory, be applied to all the States. The powers of the Territory are, on this head, as complete as those of the States. If we interfere with the first, we may interfere with the last."[1]

---

[1] The measure passed and created a great ferment. Congress had, at the suggestion of Colonel Worthington, who knew better than to permit either the legislature or the people to pass on the measure, taken care to direct the time of holding an election for delegates to the constitutional convention, had arranged the districts and proportioned the number of delegates to each, and had provided that the constitution so formed should not be submitted to the people for approval. To make the control of the convention surely Republican, the Michigan district was cut off in violation of the express terms of the Ordinance, and made a part of the Indiana Territory.

"I have conversed with several leading characters," wrote Solomon Sibley from Detroit to Jacob Burnet, "most of whom disapprove of the law, and are desirous of becoming a part of the new State, if possible. I believe they are generally convinced that the law is unconstitutional, so far, at least, as respects this county, it being a plain violation of the 5th article of compact contained in the Ordinance of 1787. By that article, Congress had reserved to themselves the privilege of drawing the east and west lines through the extreme of Lake Michigan, upon a contingency of erecting the territory north of said line into one or more States, but no authority of passing us into another Territory. Should the western boundary line stand, regardless of the east and west lines alluded to, the whole of the county of Wayne would be included in the new State; and, as the law now stands, the whole of River Raisin settlement will be included therein, which produces a division of our county, and, I humbly conceive, its eternal ruin. But the ruin of five thousand inhabitants, when brought into competition with the interested ambition of a half a dozen aspiring individuals, whose intrigues have brought us into the present dilemma, can be of little consequence, according to the modern doctrine of politics.

"We may thank our good friends Judges Symmes and Meigs, and *Sir Thomas*, for what is done. They foresaw that the county of Wayne would be, probably, a dead weight against them. Unfortunately, the citizens of this county are too little practiced in false politics to answer their purposes. I did expect that Congress would not readily have interfered in the petty

GOVERNOR ST. CLAIR TO GEORGE TOD.

WASHINGTON CITY, *April 21st*, 1802.

Sir:—Before this time you will have heard that a bill has passed the House of Representatives for admitting the Territory—should it be the wish of the people—into the Union as an independent State. It has not yet passed the Senate, and the fate of it is rather

---

political squabbles of the Territory. But seeing how lightly the majority of that once respectable body have treated important subjects, I am not surprised at what they have done with respect to us.

"You state in your letter that you can not believe that the convention will accept the law as it now stands, with the clogs that hang to it. I differ with you in opinion on that head—nay, I am persuaded that, were it ten times more degrading to the people of the Territory than it is, it would be greedily snatched at by a majority, which, from the exclusion of the county of Wayne, they are sure of. But, sir, supposing the county of Wayne should elect delegates, and send them forward to the convention, what security would they have of a bare protection? Would they not feel the mortification of personal insults? From the temper of a majority of the citizens of that place (Chillicothe) last winter, which you must know as well as myself, I really believe that their persons would be in danger. At all events, I am not personally disposed to make the experiment. Yet, I will do every thing in my power to stir up the citizens of Wayne to claim their violated rights. I thought that a petition, in the nature of a memorial, accompanied by an agent, would have every effect that could be answered by sending delegates. If they should be determined strictly to adhere to one law, neither would answer any purpose; but, if they felt disposed to favor us, arrangements would be made for citing us."

At a meeting held at Dayton, the action of Congress was reprehended.

"We consider the late law of Congress for the admission of this Territory into the Union, as far as it relates to the calling a convention and regulating the election of its members, as an act of legislative usurpation of power properly the province of the territorial legislature, bearing a striking similarity to the course of Great Britain imposing laws on the provinces. We view it as unconstitutional, as a bad precedent, and unjust and partial as to the representation in the different counties.

"We wish our legislature to be called immediately to pass a law to take the enumeration, to call a convention, and to regulate the election of members to the same, and also the time and place for the meeting.

"Under the existing laws, we are not enabled to elect members to the legislature and to the convention, as the elections for both are ordered on the same day, and, as to us, at places fifty miles apart."

The resolution also expressed a wish that the convention, when met, should ask of Congress an alteration of the Ordinance relating to the division of the Territory so as to include the country to the foot of the rapids of the Ohio in one State, subject to become two States as soon as a majority of the citizens inhabiting the same might deem it expedient.

doubtful there. I do not know how the people in your county may feel with respect to it, but from Washington there has been a pretty strong representation against it, but it did not come in time for the House of Representatives, through which it was hurried in an extraordinary manner. I wish you would do me the favor to write me to Cincinnati, and give me some light upon it. But I have, sir, to request you to do me another favor. I think it is probable that you may have heard that complaints have been made against me to the President. You will probably recollect, sir, the evening I spent in your room, when I had received, from Mr. Granger, the President's message. It has been stated that I treated the message in a contemptuous manner, spoke disrespectfully of the President himself, ridiculed his observations respecting the militia, as well as our own system, declared hostility against all republican government, and that a monarchy was the only government that could be endured—and the United States must become a monarchy, *cum multis aliis.* To these I have replied that I had received from Mr. Granger the message of the President to both Houses, and that I would candidly state, as well as I could recollect it, a conversation that passed that evening in your room. I was asked what I thought of the message. My answer was that I thought it a good one; there were many excellent things in it; but, abolishing the internal taxes—though I should certainly be very glad if we could do without them—was an experiment I did not wish to see made, because I feared the public credit would be affected by it, and, should public credit be destroyed, a new revolution would probably follow, and where that might land us no man could possibly tell—not improbably, like all republics that had gone before us, after tearing one another to pieces, and drenching our country in brothers' blood, we would settle quietly down into a monarchy. That a gentleman here whispered to me (and I have stated that gentleman to have been you) to be cautious what I said, that in the next room there were a number of people assembled to overhear what was said in this room. My reply was, "If that is the case, I will give them something to repeat. I shall hear of it again, and thereby be able to trace the rascals." Soon after this, Colonel Langham came into the room, and the militia came upon the carpet. I have acknowledged that I did not treat our militia system very respectfully, and that I held it as all time thrown away that was spent in endeavoring to teach them the maneuvers and evolutions of regular troops; that every thing beyond seeing that they were perfectly armed, knew their officers and a little accustomed to obey them, was stuff, perhaps d——d stuff, which is the expression it is said I made use of. I observed further, that the President seemed perfectly to know, and had pointed out the proper use of militia on great occasions, to make some head against an enemy until a better and more effective force could be raised and collected. From hence was deduced my contempt of the militia, and a wish for a standing army. I have stated further, that, in the course of the evening, after being informed of the listeners, I did say a great many things that were neither meant nor recollected, and intended only for them; but positively denied that one disrespectful word of the President passed my lips. Now, sir, what I would request of you is to endeavor to recollect what you can of this night's conversation, to commit it to writing, and send it to the Secretary of State, whom I have informed I would ask this favor of you, and that you should address it to him, as I will not be here. Your relation of the matter, I am sure, will be a candid one, and of the truth I am not afraid.[1]

PAUL FEARING TO GOVERNOR ST. CLAIR.

WASHINGTON, *May* 1, 1802.

Sir:—The act passed Congress yesterday authorizing us to form a constitution. The Senate, on the third reading, reinstated the parts they had stricken out, and our House agreed to the few amendments proposed by them. The Convention are to meet at Chillicothe the first Monday of November next. They are authorized (at any rate the act says that in the first place) to say whether they will go into a State government; and, if they determine so to do, they then can either form a constitution or, by ordinance, organize a new convention. They have reduced the exemption from tax to five years, and money to be laid out on roads to one-twentieth. I wish you were within the Territory, and would convene the legislature before the election for delegates to the convention. We want some general system formed, so that we may act together. There might possibly be time when you go in June, but I fear you will not be our Governor at that time. The more I examine the law, the more I dislike it. For my part, I should be glad to see a convention formed by our territorial legislature, with delegates from all the eastern division, and go into a State under the Ordinance; or, do as other portions of new-settled country have done, assume a government and *offer our relation to the United States*, for I hardly think the compact in the Ordinance now binding on us while it has been violated by the other party. Mr. Cutler is still here, and is much engaged in devising some plan to frustrate his friend Worthington. I expect Congress will rise on Monday next. I should be glad to hear from you. You can write to Washington; it will be forwarded to me.

---

[1] See Judge Tod's letter to Mr. Madison. While he was a strict Republican, he had no sympathy with the unfair political warfare being waged against the Federalist St. Clair, and his letter was a handsome vindication of the Governor.

GEORGE TOD[1] TO JAMES MADISON.

TRUMBULL COUNTY, NORTH-WEST TERRITORY,
May 29, 1802.

Sir:—I am requested by Governor St. Clair to transmit to you whatever is within my recollection of an evening's conversation at Chillicothe, while the legislature of this Territory was in session, in which he was the principal supporter.

In compliance, sir, with his request, I will endeavor, as far as is within my recollection, to give you an accurate relation.

The evening of the day on which the Governor received the President's message, he spent with General Paine, a member of the legislature from this county, and myself. The first subject conversed upon was the President's message. Of this generally he spoke in terms of approbation. Some things he did not like, particularly the idea of abolishing internal taxation. His reasons were that it would be trying too great an experiment. He then made this remark, and repeated it, "that he liked experimental governments, but did not like experiments in government. The consequences of experiments were doubtful and much to be apprehended."

I have no recollection that the Governor spoke a word in support of monarchy, or a syllable against the Government of the United States. He did, however, express himself as an admirer of our constitution and the principles of republicanism, as understood and practiced by the late administration. He said he had expended as much time and treasure in the establishment of our Government as most men. I did not hear him speak one disrespectful word of the President, nor did he treat the message with contempt in the smallest degree. Much he said about our militia and against it as being ineffectual, but no expression fell from him like wishing for a standing army. Considering the situation the Governor was in, being surrounded by his enemies, listening to catch every word which dropped from his mouth, much of his conversation may be deemed imprudent. Knowing the vigilance of his enemies, I did whisper a word of caution to him, but it increased the spirit in which he supported the conversation. It is impossible, sir, for me to relate the whole conversation which passed; much of it has escaped my recollection; as it was indifferent, I did not treasure it up.

---

[1] George Tod was a native of Suffield, Connecticut, where he was born December 11, 1773. He graduated at Yale College in 1795; studied law and settled in Ohio in 1800. He was a Republican in politics, but was moderate in his views, and an honorable, fair-minded man. Hence the tone of his letter in defense of Governor St. Clair will not surprise the reader. Afterwards, in his own eminent career, Mr. Tod had reason to lament the violence of partyism, as an attempt was made when he was presiding judge to to impeach him. His public services were a single term in the State Senate, 1804-5; judge of the supreme court, 1806-9; lieutenant-colonel in the war of 1812; presiding judge of the Third Judicial District, 1815-34. He died in Warren county, April 11, 1841.

Those who plant themselves with a view to catch what was spoken in a heedless moment, might remember many things which even most enemies would have forgotten, or kept to themselves.

Had I thought any thing he said could form a substantial objection to his being continued longer in the office he holds, the impression upon my mind would have been deeper.[1]

---

[1] The above letter was in answer to a very extraordinary document that had been sent to the President in December, 1801, the existence of which only came to Governor St. Clair's knowledge in the spring soon after his arrival in Washington. That document, which marks the first step in a new attempt of the Republican leaders to get rid of the Governor, reads as follows:

CERTIFICATE AS TO AN ALLEGED PRIVATE CONVERSATION OF GOVERNOR ST. CLAIR.

December 26, 1801.

We, whose names are underwritten, do certify that, being in the house of Joseph Tiffin, in the town of Chillicothe, on the 19th day of December, did, at the time and place aforesaid, hear Arthur St. Clair, Esq., Governor of the North-western Territory, say and repeat many words and sentences in contempt and reproach of the Government of the United States; particularly that the said Government would finally settle down into an aristocracy, and from thence into a monarchy; adding, the only government that can be supported by God, and, further, making several ludicrous and sarcastic observations on the militia and the President's communication to the House of Representatives of the United States, among which were the following, viz: That the militia was all damned nonsense, and that the objects recom-

Return J. Meigs, Jr., to Colonel Worthington.

Marietta, *May* 18, 1802.

. . . .

While I was at Cincinnati, upon the arrival of the report of the committee on the admission of the Territory as a State, etc., General Putnam drew up a kind of remonstrance, procured a number of signers, addressed to Mr. F——g, in which the report was severely reprobated, and stated to contain propositions tantamount to bribing us into a State government. What use Mr. F. made of this I know not.

Thank heaven, we shall go into a State government before long. I hope that you and your political friends will endeavor that Hamilton, Jefferson, Clermont, Belmont and Trumbull shall send republicans to the convention. It is a matter of importance, as the political complexion of the convention will (probably) give the coloring to our first State organization. Washington county will give you stiff Federalists in convention, although I expect a change in a year or two more. If it should happen, it will be gradual. Federalism has raged here this spring with intolerant fury. It can not be tolerated by some that you should have had more influence with Congress than Mr. Fearing.

Will Governor St. Clair be dismissed? If so, who will be his successor?

I shall probably have the satisfaction of seeing you at Chillicothe at July circuit. Accept my esteem and consideration.

P. S.—Colonel Meigs has arrived, and returned to Tennessee with his family. He regretted that he could not see you, and left with me to express to you his particular regards.[1]

Governor St. Clair to Samuel Huntington.[2]

Pittsburgh, *July 15th*, 1802.

Sir:—After an absence of considerable duration, I am now on

---

mended in the President's speech were intended as experiments—a thing not to be admitted in government.

Attest:
J. Darlington.

Francis Dunlavy,
Jacob White.

[1] *MS. Worthington Papers.*

[2] Samuel Huntington, son of Rev. Joseph Huntington, of Coventry, Connecticut, was born October 4, 1765. He was educated for the bar, removed

my return to the Territory; but, during that absence I have not learned how the act of Congress allowing the people to form a Constitution and the Territory to be admitted into the Union is relished, nor what steps may have been thought most proper to be taken. I do earnestly wish that you, sir, may be sent to the convention, for, if the proposal is closed with, all the talents that can be collected will be of the first necessity for the business of the Constitution, and it is certain that a great many of those who will be members will be very ill qualified to discharge that trust with intelligence. I propose to visit Jefferson and Washington counties on my way down, and would have been happy to have done the same to Trumbull, but at this time it is altogether out of my power. My view of the country's becoming a State at this time is not a pleasing one. The committee in charge will probably induce the people to accept the offer without much consideration, while I think it will be attended with a burden they are not able to bear. The exemption of the lands of the United States to be sold for taxation for five years will for that time throw the whole expense upon a very few, and to that will be added the mortification, to many whose lands will be subject to that taxation, of seeing their next neighbors perhaps living free from it. I will thank you, sir, to write to me at Cincinnati, and inform me how the thing works in your county, and what measures, if any, have been concluded on. I know that a great part of Hamilton, all Washington, and, from the information I have, a great majority of Jefferson, are against accepting the offer. Should your people be of the same way of thinking, there should be some uniformity in the measures pursued, and some concert, which it may perhaps be in my power to bring about.

SPEECH OF GOVERNOR ST. CLAIR AT CINCINNATI.

[Extract.]

Fellow Citizens:—We will soon be called upon to perform a very important duty; the most important that will devolve upon us in

---

to the North-western Territory in 1800, and settled in the Connecticut Reserve, near Painesville. He followed St. Clair's suggestion, and was chosen to represent Trumbull county in the Constitutional convention. He was elected to the Senate under the State Constitution, which he helped to form, and was chosen Speaker. He was made a member of the Supreme Court, and afterwards elected Chief Justice. He was Governor of Ohio from 1802 to 1810.

this world: that of forming a Constitution and form of government on which the happiness and prosperity of ourselves and our posterity, and our character as a commonwealth amongst other States in the Union must depend. It, therefore, becomes us all to think very seriously, and consider with great attention whom we will send to the convention. No doubt, it has occupied all our minds more or less, and some of us have been formed into societies professedly for the purpose. But there has been something in the construction of those societies that does not look well. The business concerns us all alike, but they have been governed by rules that exclude great numbers, of whose assistance and counsel they deprive themselves; that is, that all that are admitted as members are bound by a solemn obligation not to make known any of their proceedings to any one that is not a member. Now, this is certainly not right, for, the matters they are upon involving the interests of every one, they have taken it upon themselves that no one has a right to consult with them and to give the sentiments they think proper. In common affairs what would any of you think if a few men should form themselves into a society to regulate the manner in which you should manage your farms? It is possible that they might know best how it should be done, but what would you think of them if they should tell you that you must join them, and promise to keep every thing agreed upon secret from all those who would not join them, though they must be bound by their doings, and that you must be bound by them too. Now, this is exactly what has been done by the societies. No body knows what they are doing but the members, and they are pledged to support their own doings at all events. They tell you, indeed, that their design is to keep people that are not Republicans out of the convention; but it looks more like a formed design to get themselves in whether they be capable or not. Republicans! What is a republican? *Is there a single man in all the country that is not a republican, both in principle and practice, except, perhaps, a few people who wish to introduce negro slavery amongst us, and those chiefly residing in the county of Ross?* Let them say what they will about republicanism, a man who is willing to entail slavery upon any part of God's creation is no friend to the rational happiness of any, and had he the power would as readily enslave his neighbors as the poor black that has been torn from his country and friends.

It may not be amiss, my friends, to take a short view of the rise of these societies. They began in the town of Cincinnati; and were set on foot by a Mr. Kerr, a man that nobody knows any thing about, who has lived but a very short time amongst us, who is not so much as a citizen of the United States, and was smuggled to the bar in a way that, if I were not afraid of offending their honors, the judges, I would say, was contrary to law. Was this a man to say who were republicans and who were not? But it was very good of him to come all the way from the East Indies to instruct us. The persons in Cincinnati who joined in with him are honest, well-meaning men, but they have been imposed upon and misled by him; for, surely, it is a very unfriendly action to raise odious distinctions among the citizens and set them at variance with one another. It might have been, and I dare say was very pleasant to him to observe the success he met with, and if he had been questioned about it might have replied with the fool in the Scripture, when he had been scattering arrows and death, "Am I not in sport?" But it is no sport to us. It is an evil of a very serious nature. But this same Mr. Kerr may have had, and probably had another design. You all know very well, that the interests of the people about Chillicothe, and those of Hamilton county are not the same in all respects, and in some cases they are opposed to each other. Now, it is likely, as some of our leaders are very politic, that this same Mr. Kerr was engaged by them for the very purpose of sowing dissensions amongst us. What was it to him? He has nothing to lose by it, but might have something to gain, and if he did not succeed it was but going to another country.

But this leads me to say something about the qualifications that are necessary for a member of the convention. The forming a Constitution fitted to the habits, the manners, and the genius of the people, is the most important as well as the most difficult task that men can be employed in, and requires strong minds, improved by a thorough acquaintance with the faults as well as the excellencies of all the Constitutions that exist, not only in the United States, but in the whole world. A mistake in the first formation draws after it consequences that can not be calculated, and which may grind our faces and deprave our manners to the latest generations. It is not, therefore, enough that a man should be honest and a Republican, but he should be well informed, and know in what rational liberty, which alone is true republicanism, consists; for, be assured, it is not an unbounded license to do what every one sees good in his own eyes. It requires direct study and deep reflection, with a facility of speaking readily and convincingly. Reflect what the conduct of the United States, and of all the States in the Union was when they were about making their Constitutions. The wisest, the ablest, and the best informed men that could be found were selected with the greatest care. It was not with them the only question, are they honest? are they republicans? for they were satisfied that if they trusted it to wise men they were safe, because what they had to do was for themselves and their children as well as for those who appointed them. But with us, of Hamilton county, we have another question to ask, and it is an important one. Have any of those who offer to serve us, favored the views of the Chillicothe people? A very great number of us were shamefully duped by them not long ago, when they persuaded us to sign petitions against altering the bounds of the States, and told us it was unconstitutional, and would prevent us from becoming an independent State, and I don't know what. As if it could be against the Constitution to prefer a form of government established by that instrument to one bringing with it different conditions and responsibilities; or to so change the boundaries as to bring the people into communities more homogeneous, and facilitate the administration of government. The credit for the discovery belongs exclusively to the gentlemen who are actuated by the unselfish motive of erecting a State whose capital shall be Chillicothe, and who aspire to fill the offices which would thereby be created. Does this high and patriotic purpose inspire confidence in their professions of devotion to the Ordinance? Does it not suggest that it is time for the people to be on their guard against false friends as well as those in our own midst, whose political principles, formed in secret chambers, will not bear honest investigation in the broad light of day?

NATHANIEL MACON[1] TO THOMAS WORTHINGTON.

BUCK SPRING, *Sept.* 1*st*, 1802.

. . . It seems strange, indeed, that any in your country should prefer a despotism (for so I reckon territorial government) to one made by themselves for themselves; and if the opposition to the

---

[1] Nathaniel Macon, a prominent statesmen of North Carolina; at this time a member of Congress from that State, and Speaker of the House of Representatives. He was an intimate friend of Jefferson, who twice offered him the position of Postmaster-General, which he refused. He subsequently served two terms as United States Senator. He was so radical in his states rights views that he opposed the adoption of the Federal Constitution, and there is no evidence that he changed when he was older. In the above letter he shows that he held extreme opinions on popular government. Mr. Macon was educated at Princeton. He died in Warren county, June 29, 1837, in his eightieth year.

State government should succeed, it will convince many that you abound with men who love places better than they should ———. Appointments should be made by the legislature rather than by the Executive, because it destroys patronage and prevents sycophants from obtaining office by dint of courtship. The representation ought to be according to numbers, and a married man ought to vote, whether a freeholder or not. The militia soldiers ought to elect their officers to captains; the company officers the field officers, and the field officers the general officers. This would leave only the field officers to the legislature, and by dividing the appointments among several bodies, it, in a great measure, destroys all attempts at bargain. I would prefer to have the Governor elected by the legislature, and all officers elected for a limited time. Every cent of public money spent should be accounted for, and attached to the laws of each session. These hints will show what alterations I would like in our Constitution, if it is altered.[1]

NATHANIEL MASSIE TO THOMAS WORTHINGTON.

LEXINGTON, *October* 1st, 1802.

. . . As the time draws near for the election, I make no doubt that a number of the candidates are extremely busy. Indeed, from what Major McArthur informs me, you are already glutted with hand-bills and long tavern harangues. The Major also informs me that Langham's pamphlet has at last made its appearance, and he thought it not quite so deadly as he had reason to expect, from its being a great while talked about. I suppose it must be the same that I saw in manuscript at his house, perhaps with a little addition. I believe we have great reason to apprehend that if a certain party succeed in their election, from Hamilton county, we shall again be pestered with the subject of dividing the present contemplated State, at least making it a condition in the Constitution, when formed. The parties in that county are exerting themselves to the utmost, and I apprehend the dividing party are gaining ground. They calculate very much upon the upper counties joining them in this. I am in hopes they will be disappointed.

I can not, I am afraid, be over in time for the election, the situation of my wife being such that I can not leave her at present; but if possible, I will endeavor to reach that country a little before the time. Should I not be able to get over, let me hear from you on the subject of the election.[1]

---

[1] *MS. Worthington Papers.*

REMARKS OF GOVERNOR ST. CLAIR BEFORE THE CONSTITUTIONAL CONVENTION.[2]

Mr. President[3] *and Gentlemen of the Convention*:—You are now an organized body, and I am happy that you are so, in whatever manner it may have been effected. As the act of Congress had not prescribed the mode, I came to clear that difficulty; you got over it without my assistance, and I am perfectly satisfied; but, before you proceed to business, I request to be heard a few words.

When I look around upon this assembly and consider the purpose for which it is convened, and carry back my thoughts for fourteen years, when the affairs of this country were committed to me; when your numbers were only about thirty men; a wilderness before them to subdue, and surrounded by numerous tribes of savages, who, though at peace, were far from possessing friendly dispositions, and soon afterwards at open war—I am filled with astonishment and profound gratitude to the Almighty Ruler of the universe, who led them through all the difficulties they had to encounter, and has made of that small handful a great people, and brought them to that point from which they are to take their station on the theater of America as a nation. To you, gentlemen, as their representatives, it belongs, if you think proper to take it upon yourselves, to form for them that Constitution which, while it secures their political liberty, is to be the foundation of their welfare and respectability. The task is arduous as it is important, and it can not be doubted that you will bring to it patient and candid investigation. true patriotism, and mutual good-will and condescension.

To the present moment, gentlemen, I have looked forward with pleasant hopes, though not without a mixture of fear and anxiety, and my endeavors have not been wanting to lay a foundation for the great work before you, in morals and in regard to the institutions of religion, for it is an eternal truth that without morality there can be no religion, and without religion there can be no happiness.

---

[1] *MS. Worthington Papers.*

[2] "The Constitutional Convention assembled at Chillicothe on the first day of November, 1802. All the original opponents of the alteration of boundaries, except two, were present as members, while of those who had advocated that measure in the legislature, but two or three had been successful at the polls. A decided majority of the members belonged to the party in favor of the national administration. On the third day of the session, Governor St. Clair, by permission, addressed the Convention."—*Chase*, p. 31.

[3] Edward Tiffin was President. The political revolution was complete.

My feelings, gentlemen, you can appreciate, for most of you are fathers. They have been those of a father who saw the day drawing nigh which was to send a son, over whose education he had long watched with all the varied emotions of parental affection, into a world where dangers awaited him at every step, and where the first would probably be decisive of his future fortune. These cares and anxieties for your constituents, gentlemen, have occupied a considerable portion of my life, and have cost me many a toilsome day and sleepless night; but the pleasure I have in reflecting that they were not entirely thrown away is very great. It pleased God to favor my endeavors, and make me frequently the instrument of good to them, and of averting the evils that hung over them. It is, gentlemen, too much the fashion of the times to complain of oppression when none is felt. The frame of your present government, it is true, is not so popular as that of the greater part of the United States, or as you may have wished, but it is as much so as it is consistent with the colonial state, and I can with honest pride assert, and for the truth of the assertion I appeal to the whole people, that it has been administered with gentleness, and with one single view, the good of the whole. So far as it depended upon me, the laws have been executed faithfully and without rigor, and by gentle means the spirit of obedience to them, and a love of order, without which civil society can not exist, has been endeavored to be introduced. It was my duty to procure the good of the whole people, and it has been my only ambition to fulfill that duty. Errors, no doubt, I have fallen into. They were errors of the head, not of the heart. They will be judged with candor, and viewed, I trust, with some indulgence. I could indeed have wished, gentlemen, that our political bark had been launched in gentler weather, and under better auspices, for I see a storm approaching in which, if she be not overset, she may at least suffer damage. Party rage is stalking with destructive strides over the whole continent. That baneful spirit destroyed all the ancient republics, and the United States seem to be running the same career that ruined them with a degree of rapidity truly alarming to every reflecting mind. But she is on the waves, and can not now be stopped. May that gracious Being, in whose hands are the issues of all things, shed the kindest influence upon her, and, while she will add to the number of confederated States, be the means of bringing the whole back to the genuine love of their country and of each other, and may He inspire each of you, gentlemen, with the spirit of your station, and pour out upon you that wisdom which is necessary to the conducting of the business intrusted to you to a happy end.

It would be the height of impropriety in me to attempt to direct you in your deliberations, but I may be allowed to offer you some advice. The act of Congress under which you are convened has determined the object on which they are first to be employed, to wit, whether it be or be not expedient, at this time, to form a constitution and frame of government. That being determined in the affirmative, which I presume it will be, you are at liberty to proceed and make that constitution, or to pass an ordinance for the election of representatives for that purpose. But you are further at liberty, gentlemen, to confine the constitution to be made to what is called the eastern division of the Territory, or to extend it to the whole Territory. That the people of the Territory should form a convention and a constitution needed no act of Congress. To pretend to authorize it was, on their part, an interference with the internal affairs of the country, which they had neither the power nor the right to make. The act is not binding on the people, and is in truth a nullity, and, could it be brought before that tribunal where acts of Congress can be tried, would be declared a nullity. To all acts of Congress that respects the United States (they can make no other) in their corporative capacity, and which are extended by express words to the Territory, we are bound to yield obedience. For all internal affairs we have a complete legislature of our own, and in them are no more bound by an act of Congress than we would be bound by an edict of the first consul of France. Had such an attempt been made upon any of the United States in their separate capacity, the act would have been spurned from them with indignation. We, I trust, also know our rights, and will support them, and, being assembled, gentlemen, as a convention, no matter by what means it was brought about, you may do whatever appears to you to be for the best for your constituents as freely as if Congress had never interfered in the matter, and it may be a strong motive to you for so acting, that, by this very act, above five thousand people are divested of the rights they were in possession of without a hearing—bartered away like sheep in a market—transferred to another government, and thrown back into a stage of it which has been loaded with every epithet of opprobrium which the English language affords. But that act holds out certain provisions, which were, no doubt, expected to operate upon you, and, by some, have been thought to be advantageous. The first is, that the section No. 16 in every township shall be granted to the inhabitants of such township for the use of schools. It is to be observed that the section No. 16 in every township is already given for the use of schools in as complete a manner as they could now be granted by the Congress.

All that is wanting is an act to authorize the President to make patents, and that would be wanting were they now to be given by acts of Congress. The grant of these sections was a part of the terms on which the country was settled, and they can not be resumed, because the contract has been complied with on our part; and if the Congress has either granted, sold, or otherwise disposed of any of them, the act is void. The second proposition is, that the salt springs, with the sections which include them, near to the Scioto and Muskingum Rivers, shall be granted to the State for the use of the people, provided the legislature shall never sell or lease the same for a longer term than ten years. It is a happy thing for us that Providence has been pleased to place an article so necessary to the life of man as salt in the bosom of our country. These springs have been worked for a great many years, and, though nothing has been paid for the privilege of working them, salt has always been extremely dear; now, unless the persons to whom they may have been leased pay for their lease, no revenue can be derived from these salt springs, and if they do pay for them, the amount paid, and probably much more, will be laid upon the salt, so that instead of a benefit, this gift would prove an injury, and an injury that would fall unequally. The whole people to whom the rent would accrue, would reap a very small advantage at the expense of those who, from their local situation, must depend on those springs for their salt.

The third is, that the twentieth part of the net proceeds of the lands within the State, sold or to be sold after the 30th of June last, shall be applied to the laying out and making roads from the navigable waters emptying into the Atlantic to the Ohio to the State and through it. This proposition is a mere illusion; it holds out the prospect of an advantage that never will be realized. The application of the money is to be made by Congress, in which we shall have very little weight, at any rate; and it is coupled with conditions that would defeat it, while they insult us. The first condition is, that until another census, that is for nearly nine years to come, we shall submit to have only one member in the House of Representatives of the United States. The next is, that every and each tract of land sold, as aforesaid (the twentieth part of the price of which is to be laid out on roads), shall be exempt from every species of taxation by authority of the State, whether for State, county, township, or any other purpose whatever. The State shall derive no aid as to revenue from those lands, while they may be taxed by Congress for the express purpose of raising a revenue. But those lands are solemnly pledged for the redemption of the public debt, a proportion of which we must pay. The money then pretended to be given by Congress for roads, if Congress had the right to apply it, which they have not, must come from ourselves; but where are we to find it? The reservations amount to a great part of the soil, and are not subject to taxation. The lands sold after the 30th of June last, if you close with this proposition, will not be subject to taxation for five years, and what is there besides, except a very small movable property in a country without trade, from whence our revenue is to be derived, and that movable property taxed already as high as it can possibly bear for county and township purposes. It is evident that the whole expense of the government must be laid upon the lands appropriated before the 30th of June last, for experience has taught us that we have no other resource but a land tax; but such a land tax would fall so unequally, it would never be borne.

But, gentlemen, why are conditions imposed upon us before we can obtain a right which is ours by nature and by compact? Were conditions imposed upon Vermont, or upon Tennessee, before they could be admitted into the Union? There was none attempted. Why, then, this odious distinction in our case? It is past a doubt that the Territory contains the number of people which, by the compact with the United States, or the terms of settlement, is necessary to entitle it to become a State, and a member of the Union on an equal footing with the original States; and the gentlemen in Congress who brought forward these propositions admitted that, if there were not the number at that time, there certainly would be before another session of Congress, and that then was the only time to saddle us with conditions; or, as they termed it, to make a good bargain with us, for, if once we had the necessary number, it would be no longer in their power. Form, then, gentlemen, or direct a new election for the purpose, a Constitution for the whole Territory; assert your right to a full representation in the councils of the nation; direct the legislature forthwith to cause a census to be taken;

it will not require much time if set about in earnest. Let your representatives go forward with that in their hands, and demand the admission of the Territory as a State. It will not, it can not be refused. But, suppose it should be refused, it would not affect your government, or any thing you have done to organize it. That would go on equally well, or perhaps better. It was, I think, eight years after the people of Vermont had formed their government, and exercised all the powers of an independent State, before it was admitted into the Union. The government was not retarded a single moment on that account. It would be incomparably better that we should be deprived of a share in the national councils for a session or two, or even for years, than that we should be degraded to an unequal share in them for nine years; but it will not happen. We have the means in our own hands to bring Congress to reason, if we should be forced to use them. If we submit to the degradation, we should be trodden upon, and, what is worse, we should deserve to be trodden upon. I will leave these reflections upon your table, gentlemen, to be made what use of you may think proper.

ADDRESS OF GOVERNOR ST. CLAIR TO THE PEOPLE OF THE NORTH-WESTERN TERRITORY.

CINCINNATI, *December 8th.*

Fellow-citizens:—Having been requested by many gentlemen, in different parts of the country, to become a candidate for the office of Governor of the State of Ohio, an appointment that is soon to be made by that part of you who reside to the eastward of the Great Miami, and offered their support, I take this method of presenting to them by best thanks for their kind invitation and intentions, and of informing them, and the people in general, that I entirely decline it.

The care of this colony of the United States was committed to me from its first institution, and it was my ambition, and has been my chief study, to render it flourishing, and to bring it to that point when it might, according to the terms upon which it was founded, cease to be a colony and become an independent State. In these my ambition has been fully gratified, and my labors crowned with success. The management of that delicate period, from perfect infancy to the mature age at which you have arrived, most of you are acquainted with. It was a period that necessarily required your Governor should be vested with a considerable portion of power, and that power was applied to your benefit only. You have been protected from dangers from abroad, and made happy at home. To oppression you were perfect strangers; your liberties and your property were guarded by wholesome laws, executed with exactness and at the same time with mildness. But, while I have been thus, for fourteen years, unremittingly endeavoring to extend and secure to you these benefits, my private affairs have been entirely neglected, and are run into great confusion. They now demand my attention, and will require it for some time. You will be at no loss for a Governor. Many, I am told, are anxious for the office. The lot, I hope and pray, may fall upon some person who, with better talents than have fallen to my share, may possess an equal inclination to render you happy—a greater inclination that way no man can possess.

With but two exceptions, I leave all the ministerial offices filled with men of capacity and probity. It would, indeed, be gratifying to me to see them continued under the new order of things, and it would be advantageous to yourselves, because they have acquired knowledge and experience, which new men will want. The exceptions are the clerk's office of the supreme court and the clerk's office of the court of common pleas and of the quarter-sessions of the county of Ross, which are in the hands of the same man. I can never believe that persons who return injuries for favors, strongly solicited by themselves, can be men of probity; and from the persons who held those offices I have received many injuries, and been treated with the blackest ingratitude. It is true that it was always in my power to have punished them by depriving them of their offices, but I was willing to try if evil could not be overcome by good; and, besides, it was a maxim laid down very early in my administration of the government never to displace any man on whom I had conferred an office for any other cause than misbehavior in that office. The Governor disdained to revenge the injuries offered to the man. Having so far explained this part of my conduct, which has been blamed by many as unpardonable weakness, I will take my leave, assuring you that my best wishes will ever attend you, hoping that you may never have cause to look back with regret to the time when I was at the head of the political family, and that whoever may be at the head of the new family, he may as sincerely and more successfully direct his efforts to your true interests than has done

Your affectionate friend, etc.

NATHANIEL MASSIE TO THOMAS WORTHINGTON.

FALLS OF PAINT CREEK, *December* 8, 1802.

. . . I have little or nothing to say on the subject of our propositions; but, at all events, endeavor to secure to the State the Salt Licks. I could wish that you would endeavor to know the situation of the port of Orleans. I make no doubt but the Executive, before this, has had full information on the subject. I am told the inhabitants of Kentucky are very uneasy, and that the legislature of Kentucky is about to, or before this time has, drawn up a memorial to the Executive of the General Government. As it will affect our country in the same manner, if not to the same extent, as it does that State, we ought not to be remiss on the subject. I have taken the liberty of mentioning it to Mr. Giles, and also to Captain Fowler. I am in hopes that the shutting of the port is only intended to give the two nations time and leisure, without being interrupted, to settle the necessary arrangements attending such business. Should, however, this not be the case, and that it is done for the purpose of setting aside our treaty with Spain, I assure you the consequences will be serious, as I am sure the inhabitants will never submit for the navigation of that river to be stopped, and they must have a place of deposit near the mouth. Let me hear from you shortly. Direct to Brown's Cross Roads, Ross county.[1]

ARTHUR ST. CLAIR TO JAMES MADISON.

CINCINNATI, *December* 21, 1802.

Sir:—Your letter of the 22d November,[2] notifying me that the President had determined that upon the receipt of that letter my commission of Governor of the North-western Territory should cease, was delivered to me by Mr. Secretary Byrd on the 14th day of this month. I request you, sir, to present my humble thanks to the President for that favor, as he has thereby discharged me from an office I was heartily tired of, about six weeks sooner than I had determined to rid myself of it, as he may have observed from an address, not to the convention, but to the people, on the 8th instant. I can not, however, agree with the President, that in my address to the convention, which is assigned as the reason of my being dismissed, there was either "intemperance or indecorum of language towards the legislature of the United States, or a disorganizing spirit of evil tendency and example," unless an honest and true representation of facts deserve those epithets, or that "the rules of conduct enjoined by my public station" were in any way violated, unless it is understood that the rule of conduct is an implicit blind obedience.

---

[1] *MS. Worthington Papers.*

[2] For the letter of the Secretary of State to Governor St. Clair, notifying him of his removal as Governor, on account of "an intemperance of language" in his remarks to the constitutional convention respecting Congress, and the authority to Mr. Byrd to discharge the functions of Governor, see Vol. I., pp. 244-246.

As the convention, sir, was to meet in pursuance of an act of Congress, whereby the election of the members was directed to be made according to the law of the Territory that had existed, but had been long repealed, a sense of duty led me to cause the elections to be made conformably to the spirit of the act and the existing election laws of the Territory, as they could not be made conformably to the words of it, and when the convention was met I had done with it in my public capacity. Every citizen has a right to address that body, either openly or in writing, and that right was common to me with the rest; and I believe, sir, it is a paramount duty, which every man owes to the community of which he is a member, to give warning either to the representatives or to the body, when he sees the rights of that community invaded, from whatever quarter the invasion may come, and direct them, if he can, to the means of warding it off or of repelling it; and I scruple not to say that the violent, hasty, and unprecedented intrusion of the legislature of the United States into the internal concerns of the Northwestern Territory was at least indecorous and inconsistent with its public duty, and I might add that the transferring of above five thousand people, without their knowledge or consent, from a country where they were in possession of self-government to another where they will be, at least for some time, deprived of that privilege, and subjected to many other inconveniences, was something worse than intemperate and indecorous, and that, had it happened in Germany, where such things have happened, no man in America would have hesitated to have used a harsher term. Degraded as our country is, and abject as too many of her sons have become, there are still a vast proportion of them who will be at no loss for the proper term.

Be pleased, sir, to accept my thanks also, for the peculiar delicacy you observed in committing the delivery of your letter, and in furnishing him with a copy of it, to Mr. Byrd, against whom there were in your hands, to be laid before the President, complaints of something more than mere indecorum, and of a total neglect of and refusal to perform his official duty. It is such strokes as this which serve to develop character, and, like the relief in painting, to bring out the figure distinctly in its proper place. It produced, however, no other emotion in me but that kind of derision which physiognomists tell us is "the involuntary expression on the countenance of a certain mental sensation," which I do not choose to name, and never fails to produce it.[1]

With due respect I am, etc.

---

[1] If any thing could justify the tone of the above letter, it was the manner in which Mr. Madison communicated to the veteran St. Clair the fact of his removal by the President. I know of no relations to party or political ethics, that will excuse the Secretary of State in inclosing an official communication of that delicate nature, under cover, to a bitter political and personal enemy. It was known to Mr. Madison that Mr. Secretary Byrd had refused for months to discharge his duties as secretary of the Territory; that he had on one occasion taken advantage of the Governor's absence to remove his appointees, and put Republicans in their places; and that he had devoted his time since his appointment to the office in forming a party in opposition to the Governor, whom he never failed to treat with studied disrespect. All this was known to Mr. Madison; but, then, Mr. Byrd was engaged in the work of making a new Republican State.

Here the public career of Arthur St. Clair properly ends. See Vol. I., pp. 248–256.

Vale Arthur St. Clair, Federalist; enter Edward Tiffin, Republican.

APPENDIX I.

THE ORDINANCE OF 1787, AND ITS HISTORY.

BY PETER FORCE.

[See Vol. I., pp. 116-36.]

On the first of March, 1784, a committee, consisting of Mr. Jefferson, of Virginia, Mr. Chase, of Maryland, and Mr. Howell, of Rhode Island, submitted to Congress the following plan for the temporary government of the Western Territory:

The committee appointed to prepare a plan for the temporary government of the Western Territory have agreed to the following resolutions:

Resolved, That the territory ceded or to be ceded by individual States to the United States, whensoever the same shall have been purchased of the Indian inhabitants, and offered for sale by the United States, shall be formed into additional States, bounded in the following manner, as nearly as such cessions will admit: That is to say, northwardly and southwardly by parallels of latitude, so that each State shall comprehend, from south to north, two degrees of latitude, beginning to count from the completion of thirty-one degrees north of the equator; but any territory northwardly of the forty-seventh degree shall make part of the State next below. And eastwardly and westwardly they shall be bounded, those on the Mississippi by that river on the one side, and the meridian of the lowest point of the rapids of the Ohio on the other; and those adjoining on the east, by the same meridian on their western side, and on the eastern by the meridian of the western cape of the mouth of the Great Kanawha. And the territory eastward of this last meridian, between the Ohio, Lake Erie, and Pennsylvania, shall be one State.

That the settlers within the territory so to be purchased and offered for sale shall, either on their own petition or on the order of Congress receive authority from them, with appointments of time and place, for their free males of full age to meet together for the purpose of establishing a temporary government to adopt the constitution and laws of any one of these States, so that such laws nevertheless shall be subject to alteration by their ordinary legislature, and to erect, subject to a like alteration, counties or townships for the election of members of their legislature.

That such temporary government shall only continue in force in any

State until it shall have acquired twenty thousand free inhabitants, when, giving due proof thereof to Congress, they shall receive from them authority, with appointments of time and place, to call a convention of representatives to establish a permanent constitution and government for themselves.

Provided, That both the temporary and permanent governments be established on these principles as their basis:

1. That they shall forever remain a part of the United States of America.

2. That, in their persons, property, and territory, they shall be subject to the Government of the United States in Congress assembled, and to the Articles of Confederation in all those cases in which the original States shall be so subject.

3. That they shall be subject to pay a part of the Federal debts, contracted or to be contracted, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States.

4. That their respective governments shall be in republican forms, and shall admit no person to be a citizen who holds any hereditary title.

5. That, after the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in the punishment of crimes whereof the party shall have been duly convicted to have been personally guilty.

That whensoever any of the said States shall have, of free inhabitants, as many as shall then be in any one of the least numerous of the thirteen original States, such State shall be admitted by its delegates into the Congress of the United States, on an equal footing with the said original States, after which the assent of two-thirds of the United States, in Congress assembled, shall be requisite in all those cases wherein, by the confederation, the assent of nine States is now required, provided the consent of nine States to such admission may be obtained according to the eleventh of the Articles of Confederation. Until such admission by their delegates into Congress, any of the said States, after the establishment of their temporary government, shall have authority to keep a sitting member in Congress, with a right of debating but not of voting.

That the territory northward of the forty-fifth degree, that is to say, of the completion of forty-five degrees from the equator, and extending to the Lake of the Woods, shall be called *Sylvania*. That, of the territory under the forty-fifth and forty-fourth degrees, that which lies westward of Michigan shall be called *Michigania;* and that which is eastward thereof, within the peninsula formed by the lakes and waters of Michigan, Huron, St. Clair, and Erie, shall be called *Cheronesus*, and shall include any part of the peninsula which may extend above the forty-fifth degree. Of the territory under the forty-third and forty-second degrees, that to the westward, through which the Assenisipi or

Rock River runs, shall be called *Assenisipia;* and that to the eastward, in which are the fountains of the Muskingum, the two Miamis of Ohio, the Wabash, the Illinois, the Miami of the Lake, and the Sandusky Rivers, shall be called *Metropotamia.* Of the territory which lies under the forty-first and fortieth degrees, the western, through which the river Illinois runs, shall be called *Illinoia;* that next adjoining, to the eastward, *Saratoga;* and that between this last and Pennsylvania, and extending from the Ohio to Lake Erie, shall be called *Washington.* Of the territory which lies under the thirty-ninth and thirty-eighth degrees, to which shall be added so much of the point of land within the fork of the Ohio and Mississippi as lies under the thirty-seventh degree, that to the westward, within and adjacent to which are the confluences of the rivers Wabash, Shawnee, Tanisee, Ohio, Illinois, Mississippi, and Missouri, shall be called *Polypotamia;* and that to the eastward, farther up the Ohio, otherwise called the Pelisipi, shall be called *Pelisipia.*

That all the preceding articles shall be formed into a charter of compact; shall be duly executed by the President of the United States, in Congress assembled, under his hand and the seal of the United States; shall be promulgated, and shall stand as fundamental conditions between the thirteen original States and these newly described, unalterable but by the joint consent of the United States, in Congress assembled, and of the particular State within which such alteration is proposed to be made.

This report was recommitted to the same committee on the 17th of March, and a new one was submitted on the 22d of the same month. The second report agreed in substance with the first. The principal difference was the omission of the paragraph giving names to the States to be formed out of the Western Territory. It was taken up for consideration by Congress on the 19th of April, on which day, on the motion of Mr. Spaight, of North Carolina, the following clause was struck out:

"That, after the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in the punishment of crimes whereof the party shall have been duly convicted to have been personally guilty."

The report was further considered and amended on the 20th and 21st. On the 23d, it was agreed to (ten States voting *aye*, and one *no*), without the clause prohibiting slavery and involuntary servitude after the year 1800. On the question to agree to the report, after the prohibitory clause was struck out, the yeas and nays were required by Mr. Beresford. The vote was:

New Hampshire—
    Mr. Foster, aye.
    Mr. Blanchard, aye.
Massachusetts—
    Mr. Gerry, aye.
    Mr. Partridge, aye.
Rhode Island—
    Mr. Ellery, aye.
    Mr. Howell, aye.
Connecticut—
    Mr. Sherman, aye.
    Mr. Wadsworth, aye.
New York—
    Mr. Dewitt, aye.
    Mr. Paine, aye.
New Jersey—
    Mr. Beatty, aye.
    Mr. Dick, aye.
Delaware (absent).
Pennsylvania—
    Mr. Mifflin, aye.
    Mr. Montgomery, aye.
    Mr. Hand, aye.
Maryland—
    Mr. Stone, aye.
    Mr. Chase, aye.
Virginia—
    Mr. Jefferson, aye.
    Mr. Mercer, aye.
    Mr. Monroe, aye.
North Carolina—
    Mr. Williams, aye.
    Mr. Spaight, aye.
South Carolina—
    Mr. Reed, no.
    Mr. Beresford, no.
Georgia (absent).

Thus, the report of Mr. Jefferson for the temporary government of the Western Territory, without any restriction whatever as to slavery, received the vote of every State present except South Carolina. It did not "lay on the table of Congress during the three years from 1784 to 1787." During these three years, it was the law of the land. It was repealed in 1787.

Nearly a year after the first plan was adopted, the clause originally offered by Mr. Jefferson, as a part of the *charter of compact and fundamental constitutions* between the thirteen original States and the new States to be formed in the Western Territory, prohibiting slavery and involuntary servitude, was again submitted to Congress, omitting the time named—"after the year 1800 of the Christian era."

On the 16th of March, 1785—

> "A motion was made by Mr. King, seconded by Mr. Ellery, that the following proposition be committed:
>
> "That there shall be neither slavery nor involuntary servitude in any of the States described in the resolve of Congress of the 23d of April, 1784, otherwise than in the punishment of crimes whereof the party shall have been personally guilty; and that this regulation shall be an article of compact, and remain a fundamental principle of the constitutions between the thirteen original States and each of the States described in the said resolve of the 23d of April, 1784."

The motion was "that the following proposition be committed"—that is, committed to a committee of the whole House; it was not "in the nature of an instruction to the Committee on the Western Territory." At that time, there was no such committee. It was a separate, independent proposition. The very terms of it show that it was offered as an addition to the resolve of April 23, 1784, with the intention of restoring to that resolve a clause that had originally formed a part of it.

Mr. King's motion to commit was agreed to—eight States (New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Maryland) voted in the affirmative, and three States (Virginia, North Carolina, and South Carolina) in the negative. Neither Delaware nor Georgia was represented.

After the commitment of this proposition, it was neither called up in Congress nor noticed by any of the committees who subsequently reported plans for the government of the Western Territory.

The subject was not laid over from this time till September, 1786. It is noticed as being before Congress on the 24th of March, the 10th of May, the 13th of July, and the 24th of August of that year.

On the 24th of March, 1786, a report was made by the grand Committee of the House, to whom had been referred a motion of Mr. Monroe upon the subject of the Western Territory.

On the 10th of May, 1786, a report was made by another committee, consisting of Mr. Monroe, of Virginia, Mr. Johnson, of Connecticut, Mr. King, of Massachusetts, Mr. Kean, of South Carolina, and Mr. Pinckney, of South Carolina, to whom a motion of Mr. Dane, for considering and reporting the form of a temporary government for the Western Territory, was referred. This report, after amendment, was recommitted on the 13th of July following.

On the 24th of August, 1786, the Secretary of Congress was directed to inform the inhabitants of Kaskaskias "that Congress have under their consideration the plan of a temporary government for the said district, and that its adoption will be no longer protracted than the importance of the subject and a due regard to their interest may require."

On the 19th of September, 1786, a committee, consisting of Mr. Johnson, of Connecticut, Mr. Pinckney, of South Carolina, Mr. Smith, of New York, Mr. Dane, of Massachusetts, and Mr. Henry, of Maryland, appointed to propose a "plan of temporary government for such districts or new States as shall be laid out by the United States upon the principles of the acts of cession from individual States, and admitted into the Confederacy," made a report, which was taken up for consideration on the 29th, and, after some discussion, and several motions to amend, the further consideration was postponed.

On the 26th of April, 1787, same committee (Mr. Johnson, Mr. Pinckney, Mr. Smith, Mr. Dane, and Mr. Henry) reported "an ordinance for the government of the Western Territory." It was read a second time, and amended on the 9th of May, and the next day was assigned for the third reading. On the 10th, the order of the day for the third reading was called for by the State of Massachusetts, and was postponed. On the 9th and 10th of May, Massachusetts was represented by Mr. Gorham, Mr. King, and Mr. Dane. The proposition which, on Mr. King's motion, was "committed" on the 16th of March of the preceding year, was not in the ordinance, as reported by the committee, nor was any motion made in the Congress to insert it as an amendment.

The following is a copy of the ordinance as amended and ordered to a third reading:

AN ORDINANCE FOR THE GOVERNMENT OF THE WESTERN TERRITORY.

It is hereby ordained by the United States, in Congress assembled, that there shall be appointed, from time to time, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress.

There shall be appointed by Congress, from time to time, a secretary, whose commission shall continue in force for four years, unless sooner revoked by Congress. It shall be his duty to keep and preserve the acts and laws passed by the General Assembly, and public records of the district, and of the proceedings of the governor in his executive department, and transmit authentic copies of such acts and proceedings every six months to the Secretary of Congress.

There shall also be appointed a court to consist of three judges, any two of whom shall form a court, who shall have a common law jurisdiction, whose commissions shall continue in force during good behavior.

And, to secure the rights of personal liberty and property to the inhabitants and others, purchasers in the said districts, it is hereby ordained that the inhabitants of said districts shall always be entitled to the benefits of the act of *habeas corpus* and of the trial by jury.

The governor and judges, or a majority of them shall adopt and publish in the districts such laws of the original States, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to Congress from time to time, which shall prevail in said district until the organization of the General Assembly, unless disapproved of by Congress; but, afterwards, the General Assembly shall have authority to alter them as they think fit: provided, however, that said Assembly shall have no power to create perpetuities.

The governor, for the time being, shall be commander-in-chief of the militia, and appoint and commission all officers in the same below the rank of general officers; all officers of that rank shall be appointed and commissioned by Congress.

Previous to the organization of the General Assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of peace and good order in the same. After the General Assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said Assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

The governor shall, as soon as may be, proceed to lay out the district into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature, so soon as there shall be five thousand free male inhabitants, of full age, within the said district. Upon giving due proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, as aforesaid, to represent them in General Assembly: provided, that for every five hundred free male inhabitants there shall be one representative, and so on progressively with the number of free male inhabitants shall the right of representation increase, until the number of representatives amounts to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature: provided, that no person shall be eligible or qualified to act as a representative, unless he be a citizen of one of the United States, or have resided within such district three years, and shall likewise hold, in his own right, in fee simple, two hundred acres of land within the same: provided, also, that a freehold or life estate in fifty acres of land in the said district, if a citizen of any of the United States, and two years' residence, if a foreigner, in addition, shall be necessary to qualify a man as elector for the said representative.

The representatives thus elected shall serve for the term of two years, and, in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the time.

The General Assembly shall consist of the governor, a legislative council, to consist of five members, to be appointed by the United States, in Congress assembled, to continue in office during pleasure, any three of whom to be a quorum; and a House of Representatives, who shall have a legislative authority complete in all cases for the good government of said district: provided, that no act of the said General Assembly shall be construed to affect any lands the property of the United States: and provided, further, that the lands of the non-resident proprietors shall in no instance be taxed higher than the lands of residents.

All bills shall originate indifferently either in the council or House of Representatives, and, having been passed by a majority in both Houses, shall be referred to the governor for his assent, after obtaining which they shall be complete and valid; but no bill or legislative act whatever shall be valid or of any force without his assent.

The governor shall have power to convene, prorogue, and dissolve the General Assembly when, in his opinion, it shall be expedient.

The said inhabitants or settlers shall be subject to pay a part of the Federal debts, contracted or to be contracted, and to bear a proportional part of the burdens of the government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States.

The governor, judges, legislative council, secretary, and such other officers as Congress shall at any time think proper to appoint in such district, shall take an oath or affirmation of fidelity; the governor before the President of Congress, and all other officers before the governor, prescribed on the 17th day of January, 1785, to the Secretary of War, *mutatis mutandis*.

Whensoever any of the said States shall have of free inhabitants as many as are equal in number to the one-thirteenth part of the citizens of the original States, to be computed from the last enumeration, such State shall be admitted by its delegates into the Congress of the United States, on an equal footing with the said original States: provided, the consent of so many States in Congress is first obtained as may at that time be competent to such admission.

Resolved, That the resolutions of the 23d of April, 1784, be and the same are hereby annulled and repealed.

Such was the ordinance for the government of the Western Territory, when it was ordered to a third reading, on the 10th of May, 1787. It had then made no further progress in the development of those great principles for which it has since been distinguished as "one of the greatest monuments of civil jurisprudence." It made no provision for the equal distribution of estates. It said nothing of extending the fundamental principles of civil and religious liberty—nothing of the rights of conscience, knowledge, or education. It did not contain the articles of compact, which were to remain unaltered forever, unless by common consent.

We now come to the time when these great principles were first brought forward.

On the 9th of July, 1787, the ordinance was again referred. The committee now consisted of Mr. Carrington, of Virginia, Mr. Dane, of Massachusetts, Mr. R. H. Lee, of Virginia, Mr. Kean, of South Carolina, and Mr. Smith, of New York. Mr. Carrington, Mr. Lee, and Mr. Kean, the new members, were a majority.

This committee did not "merely revise the ordinance;" they prepared and reported the great BILL OF RIGHTS for the territory northwest of the Ohio.

The question is here presented, why was Mr. Carrington, a new member of the committee, placed at the head of it, to the exclusion of Mr.

Dane and Mr. Smith, who had served previously? In the absence of positive evidence, there appears to be but one answer to this question. The opinions of all the members were known in Congress. In the course of debate, new views had been presented, which must have been received with general approbation. A majority of the committee were the advocates of these views, and the member by whom they were presented to the House was selected as the chairman. There is nothing improbable or out of the usual course of proceeding in this. Indeed, the prompt action of the committee and of the Congress goes very far to confirm it.

On the 11th of July (two days after the reference), Mr. Carrington reported the ordinance for the government of the territory of the United States north-west of the river Ohio. This ordinance was read a second time on the 12th (and amended, as stated below), and, on the 13th, it was read a third time, and passed by the unanimous vote of the eight States present in the Congress.

On the passage, the yeas and nays (being required by Mr. Yates) were as follows:

New Hampshire (absent).
Massachusetts—
    Mr. Holten, aye.
    Mr. Dane, aye.
Rhode Island (absent).
Connecticut (absent).
New York—
    Mr. Smith, aye.
    Mr. Haring, aye.
    Mr. Yates, aye.
New Jersey—
    Mr. Clarke, aye.
    Mr. Schureman, aye.
Delaware—
    Mr. Kearney, aye.
    Mr. Mitchell, aye.
Maryland (absent).
Virginia—
    Mr. Grayson, aye.
    Mr. R. H. Lee, aye.
    Mr. Carrington, aye.
North Carolina—
    Mr. Blount, aye.
    Mr. Hawkins, aye.
South Carolina—
    Mr. Kean, aye.
    Mr. Huger, aye.
Georgia—
    Mr. Few, aye.
    Mr. Pierce, aye.
Pennsylvania (absent).

It appears, then, that, instead of having "this ordinance under deliberation and revision for three years and six months," in *five days* it was passed through all the forms of legislation—the reference, the action of the committee, the report, the three several readings, the discussion and amendment by Congress, and the final passage.

On the 12th of July (as above stated), Mr. Dane offered the following amendment, which was adopted as the sixth of the articles of the compact:

"*Article the Sixth*. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *provided, always*, that any person, escaping into the same, from whom labor or service is claimed in any of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service, as aforesaid.

This had, in part, been presented by Mr. Jefferson, in 1784, and again by Mr. King, in 1785. The assertion that this clause, "as it now exists in the ordinance," was "proposed and carried by Mr. King, when neither Jefferson nor Dane was present," is singularly incorrect. In the proposition submitted by Mr. King, in 1785 (which was never afterwards called up in Congress), there was no provision for reclaiming fugitives; and, without such a provision, it could not have been carried at all: besides, the clause, "as it now exists in the ordinance," was proposed by Mr. Dane, on the 12th of July, 1787, and carried by the unanimous vote of Congress, when Mr. King was not present.

Mr. King was a member of the convention for framing the Federal constitution. He was present and voted in the convention on the 12th of July, 1787. The whole of that day was occupied in settling the proportion of representation and direct taxation, which was then determined as it now stands in the constitution, viz.: "By adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians, not taxed, *three-fifths of all other persons*."

The Congress and the convention were both in session at the same time, in Philadelphia. There was, of course, free intercourse and interchange of opinion between the members of the two bodies. To this may be attributed the adoption on the same day of the clause in the ordinance and the clause in the constitution.

The accompanying copy of the ordinance shows the amendments made in Congress, on the 12th of July, to Mr. Carrington's report of the 11th. All that was struck out is printed in [*italic*], what was inserted is in SMALL CAPITALS. The reader, on comparing this with the plans previously reported by Mr. Jefferson and by Mr. Johnson, will see that most of the principles "on which its wisdom and fame rest" were first presented by Mr. Carrington.[1]

AN ORDINANCE FOR THE GOVERNMENT OF THE TERRITORY OF THE UNITED STATES NORTH-WEST OF THE RIVER OHIO.

Be it ordained by the United States, in Congress assembled, That the said Territory, for the purposes of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

---

(1) The language of Mr. Force is misleading. While most of the principles on which its wisdom and fame rest were embraced in the amendments reported by Colonel Carrington, two very important points were derived from Mr. Jefferson's ordinance of 1781, viz., the plan of compact and the anti-slavery article.

Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said Territory, dying intestate, shall descend to and be distributed among their children and the descendants of a deceased child in equal parts; the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them; and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have in equal parts among them their deceased parent's share; AND THERE SHALL IN NO CASE BE A DISTINCTION BETWEEN KINDRED OF THE WHOLE AND HALF BLOOD; saving in all cases to the widow of the intestate her third part of the real estate for life, and [*where there shall be no children of the intestate*] one third part of the personal estate; and this law relative to descents and dower shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said Territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be (being of full age), and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery, saving, however, to the [*inhabitants of Kaskaskies and Post Vincent*] FRENCH AND CANADIAN INHABITANTS, AND OTHER SETTLERS OF THE KASKASKIES, ST. VINCENT'S, AND THE NEIGHBORING VILLAGES, WHO HAVE HERETOFORE PROFESSED THEMSELVES CITIZENS OF VIRGINIA, their laws and customs now in force among them relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed, from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress: he shall reside in the district and have a freehold estate therein in one thousand acres of land, while in the exercise of his office.

There shall be appointed, from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked: he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office. It shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, of the proceedings of the governor in his executive department, and transmit authentic copies of such acts and proceedings every six months to the Secretary of Congress.

There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate, in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to Congress from time to time, which laws shall be in force in the district until the organization of the General Assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor, for the time being, shall be commander-in-chief of the militia, and appoint and commission all officers in the same below the rank of general officers; all GENERAL officers [*above that rank*] shall be appointed and commissioned by Congress.

Previous to the organization of the General Assembly, the governor shall appoint such magistrates and other civil officers in each county or township as he shall find necessary for the preservation of the peace and good order in the same. After the General Assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said Assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed, from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the General Assembly: provided, that, for every five hundred free male inhabitants, there shall be one representative, and so on progressively with the number of free male inhabitants shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature: provided, that no person shall be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years, and, in either case, shall likewise hold in his own right, in fee simple, two hundred acres of land within the same: provided, also, that a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years' residence in the district, shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected shall serve for the term of two years, and, in case of the death of the representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term.

The General Assembly, or legislature, shall consist of the governor, legislative council, and a House of Representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress, any three of whom to be a quorum, and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and, when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the House of Representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the time of service of the members of council, the said House shall nominate ten persons, qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and House of Representatives shall have authority to make laws, in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills having passed by a majority in the House, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the General Assembly, when, in his opinion, it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity and of office; the governor before the President of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and House, assembled in one room, shall have authority by joint ballot to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government.

And for extending [*to all parts of the Confederacy*] the fundamental principles of civil and religious liberty, which form the basis whereon these Republics, their laws and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments which forever hereafter shall be formed in said territory; to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the Federal councils, on an equal footing with the original States, at as early periods as may be consistent with the general interest—

It is hereby ordained and declared by the authority aforesaid, That the following articles shall be considered as articles of compact between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent, to wit:

Article the First. No person demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments in the said territory.

Article the Second. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law; all persons shall be bailable, unless for capital offenses, where the proof shall be evident or the presumption great; all fines shall be moderate, and no cruel or unusual punishments shall be inflicted; no man shall be deprived of his liberty or property but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same; and, in the just preservation of rights and property, it is understood and declared that no law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts or engagements, bona fide and without fraud, previously formed.

Article the Third. [*Institutions for the promotion of*] religion [and] morality, AND KNOWLEDGE, BEING NECESSARY TO GOOD GOVERNMENT AND THE HAPPINESS OF MANKIND, schools and the means of education shall forever be encouraged [*and all persons while young shall be taught some useful occupation*].. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and, in their property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorised by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

Article the Fourth. The said territory, and the States which may be formed therein, shall forever remain a part of this Confederacy of the United States of America, subject to the articles of Confederation, and to such alterations therein as shall constitutionally be made; and to all the acts and ordinances of the United States, in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the Federal debts, contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the district or districts, or new States, as in the original States, within the time agreed upon by the United States, in Congress assembled. The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States, in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the Confederacy, without any tax, impost, or duty therefor.

Article the Fifth. There shall be formed in the said territory not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession and [*authorize*] CONSENT TO the same, shall become fixed and established as follows, to wit: The western State in THE said territory shall be bounded by the Mississippi, the Ohio, and Wabash Rivers; a direct line drawn from the Wabash and Post Vincent's due north to the territorial line between the United States and Canada, and by THE said territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincent's to the Ohio; by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to THE said territorial line, and by THE said territorial line. The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: Provided, however, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan; and whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted by its delegates into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government: Provided, the constitution and government so to be formed shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

Article the Sixth. THERE SHALL BE NEITHER SLAVERY NOR INVOLUNTARY SERVITUDE IN THE SAID TERRITORY, OTHERWISE THAN IN PUNISHMENT OF CRIMES WHEREOF THE PARTY SHALL HAVE BEEN DULY CONVICTED: PROVIDED, ALWAYS, THAT ANY PERSON ESCAPING INTO THE SAME, FROM WHOM LABOR OR SERVICE IS LAWFULLY CLAIMED IN ANY ONE OF THE ORIGINAL STATES, SUCH FUGITIVE MAY BE LAWFULLY RECLAIMED AND CONVEYED TO THE PERSON CLAIMING HIS OR HER LABOR OR SERVICE AS AFORESAID.[1]

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April, 1784, RELATIVE TO THE SUBJECT OF THIS ORDINANCE, be and the same are hereby repealed and declared null and void.

Done by the United States, in Congress assembled, the 13th day of July, in the year of our Lord 1787, and of their sovereignty and independence the 12th.

CHAS. THOMSON, *Sec'y.*

APPENDIX II.

ORDINANCES FOR THE SALE OF LANDS IN THE NORTH-WESTERN TERRITORY.

[IN CONGRESS, JULY 23, 1787, 1 Vol. L. U. S., p. 573.]

(See Vol. I., p. 128.)

The report of a committee, consisting of Mr. Carrington, Mr. King, Mr. Dane, Mr. Madison, and Mr. Benson, amended to read as follows, viz.:

That the Board of Treasury be authorized and empowered to contract with any person or persons for a grant of a tract of land which shall be bounded by the Ohio, from the mouth of Scioto to the intersection of the western boundary of the seventh range of townships now surveying; thence, by the said boundary, to the northern boundary of the tenth township from the Ohio; thence, by a due west line, to the Scioto; thence, by the Scioto, to the beginning, upon the following terms, viz.: The tract to be surveyed, and its contents ascertained, by the geographer or some other officer of the United States, who shall plainly mark the said east and west line, and shall render one complete plat to the Board of Treasury, and another to the purchaser or purchasers. The purchaser or purchasers, within seven years from the completion of this work, to lay off the whole tract, at their own expense, into townships and fractional parts of townships, and to divide the same into lots, according to the land ordinance of the 20th of May, 1785; complete returns whereof to be made to the Treasury Board. The lot No. 16, in each township or fractional part of a township, to be given perpetually for the purposes contained in the said ordinance. The lot No. 29, in each township or fractional part of a township, to be given perpetually for the purposes of religion.[1] The lots Nos. 8, 11, and 26, in each township or fractional part of a township, to be reserved for the future disposition of Congress. Not more than two complete townships to be given perpetually for the purposes of a University, to be laid off by the purchaser or purchasers, as near the center as may be, so that the same shall be of good land, to be applied to the intended object by the legislature of the State. The price to be not less than one dollar per acre for the contents of the said tract, excepting the reservations and gifts aforesaid, payable, in specie, loan-office certificates reduced to specie value, or certificates of liquidated debts of the United States, liable to a reduction by an allowance for bad land, and all incidental charges and circumstances whatever: *Provided*, That such allowance shall not exceed, in the whole, one-third of a dollar per acre. And in making payment the principal only of the said certificates shall be admitted, and the Board of Treasury, for such interest as may be due on the certificates rendered in payment as aforesaid, prior to January 1, 1786, shall issue indents for interest to the possessors, which shall be receivable in payment as other indents for interest of the existing requisitions of Congress; and for such interest as may be due on the said certificates between that period and the period of payment, the said board shall issue indents, the payment of which to be provided for in future requisitions, or otherwise. Such of the purchasers as may possess rights for bounties of land to the late army, to be permitted to render the same in discharge of the contract, acre for acre: *Provided*, That the aggregate of such rights shall not exceed one-seventh part of the land to be paid for: *And provided also*, That there shall be no future claim against the United States on account of the said rights. Not less than 500,000 dollars of the purchase-money to be paid down upon closing of the contract, and the remainder upon the completion of the work to be performed by the geographer or other officer on the part of the United States. Good and sufficient security to be given by the purchaser or purchasers for the completion of the contract on his or their part. The grant to be made upon the full payment of the consideration money, and a right of entry and occupancy to be acquired immediately for so much of the

---

[1] Compare with the article of Jefferson's ordinance. See Vol. I., p. 133.

---

(1) The grant of No. 29, for religious purposes, is confined to the Ohio Company and J. C. Symmes's purchase.

tract as shall be agreed upon between the Board of Treasury and the purchasers.

Ordered, That the above be referred to the Board of Treasury to take order.

[LETTER OF CUTLER AND SARGENT TO THE BOARD OF TREASURY, DATED NEW YORK, JULY 26, 1787, 1 Vol. L. U. S., p. 491.]

We observe by the act of the 23d instant, that your honorable board is authorized to enter into a contract for the sale of a tract of land therein described, on certain conditions expressed in the act. As we suppose this measure has been adopted in consequence of proposals made by us in behalf of ourselves and associates, to a committee of Congress, we beg leave to inform you that we are ready to enter into a contract for the purchase of the lands described in the act, provided you can conceive yourselves authorized to admit of the following conditions, which, in some degree, vary from the report of the committee, viz.:

The subordinate surveys shall be completed as mentioned in the act, unless the frequency of Indian irruptions may render the same impracticable without a heavy expense to the company.

The mode of payment we propose is, half a million of dollars when the contract is executed; another half a million, when the tract, as described, is surveyed by the proper officer of the United States; and the remainder in six equal payments, computed from the date of the second payment.

The lands assigned for the establishment of a university, to be as nearly as possible in the center of the first million and a half of acres we shall pay for; for to fix it in the center of the proposed purchase, might too long defer the establishment.

When the second payment is made, the purchasers will receive a deed for as great a quantity of land as a million of dollars shall pay for, at the price agreed on; after which we will agree not to receive any further deeds for any of the lands purchased, only at such periods, and on such conditions, as may be agreed on betwixt the board and the purchasers.

As to the security, which the act says shall be good and sufficient, we are unable to determine what those terms may mean, in the contemplation of Congress, or of your honorable board; we shall, therefore, only observe, that our private fortunes, and that of most of our associates, being embarked in the support of the purchase, it is not possible for us to offer any adequate security, but that of the land itself, as is usual in great land purchases.

We will agree so to regulate the contract that we shall never be entitled to a right of entry or occupancy but on lands actually paid for, nor receive any deeds till our payments amount to a million of dollars, and then only in proportion to such payment. The advance we shall always be under, without any formal deed, together with the improvements made on the lands, will, we presume, be ample security, even if it was not the interest as well as the disposition of the company to lay the foundation of their establishment on a sacred regard to the rights of property.

If these terms are admitted, we shall be ready to conclude the contract.

[RESOLUTION OF 27TH JULY, 1787, 1 Vol. L. U. S., p. 574]

"*Ordered*, That the above letter from Manh. Cutler and Winthrop Sargent, to the Board of Treasury, containing proposals for the purchase of a tract of land described in the act of Congress of the 23d instant, be referred to the Board of Treasury to take order: *Provided*, That after the date of the second payment therein proposed to be made, the residue shall be paid in six equal and half-yearly installments, until the whole thereof shall be completed, and that the purchasers stipulate to pay interest on the sums due from the completion of the survey to be performed by the geographer."

JOHN CLEVES SYMMES' PURCHASE.

[APPLICATION BY PETITION, NEW YORK, 29TH AUGUST, 1787, 1 Vol. L. U. S. p. 494.]

That your petitioner, encouraged by the resolutions of Congress of the 23d and 27th of July last, stipulating the condition of a transfer of federal lands on the Scioto and Muskingum rivers, unto Winthrop Sargent and Manasseh Cutler, Esquires, and their associates, of New England, is induced, on behalf of the citizens of the United States, westward of Connecticut, who also wish to become purchasers of federal lands, to pray that the honorable the Congress will be pleased to direct that a contract be made by the honorable the Commissioners of the Treasury Board, with your petitioner, for himself and his associates, in all respects similar in form and matter to the said grant made to Messrs. Sargent and Cutler, differing only in quantity and place where, and instead of two townships for the use of a University, that one only be assigned for the benefit of an academy.

That by such transfer to your petitioner and his associates, on their complying with the terms of sale, the fee may pass of all the lands lying within the following limits, viz.: Beginning at the mouth of the Great Miami River; thence, running up the Ohio to the mouth of the Little Miami River; thence, up the main stream of the Little Miami River, to the place where a due west line, to be continued from the western termination of the northern boundary line of grant to Messrs. Sargent, Cutler, and company, shall intersect th aid Little Miami River; thence, due west, continuing the said weste line to the place where the said line shall intersect the main branch stream of the Great Miami River; thence, down the Great Miami, the place of beginning.[1]

[ACT OF 19TH APRIL, 1792, 2 Vol. L. U. S., p. 270.]

That the President of the United States be, and he hereby is, authorized, at the request of John Cleves Symmes, or his agent or agents, to alter the contract made between the late Board of Treasury and the said John Cleves Symmes, for the sale of a tract of land of one million of acres, in such manner that the said tract may extend from the mouth of the Great Miami to the mouth of the Little Miami, and be bounded by the river Ohio on the south, by the Great Miami on the west, by the Little Miami on the east, and by a parallel of latitude on the north extending from the Great Miami to the Little Miami, so as to comprehend the proposed quantity of one million of acres: *Provided*, That the northern limits of the said tract shall not interfere with the boundary-line established by the treaty of Fort Harmar, between the United States and the Indian nations: *And provided also*, That the President reserve to the United States, such lands at and near Fort Washington as he may think necessary for the accommodation of a garrison at that fort.[2]

APPENDIX III.

TREATIES AT FORT HARMAR.

[See Vol. I. p. 156; Vol. II., p. 108.]

WITH THE SIX NATIONS.

ARTICLES of a treaty made at Fort Harmar, the ninth day of January, in the year of our Lord one thousand seven hundred and eighty-nine, between Arthur St. Clair, Esq., Governor of the Territory of the United States of America north-west of the river Ohio, and and commissioner plenipotentiary of the said United States, for

---

(1) In Congress, Oct. 2, 1787, ordered, that the above petition be referred to the Board of Treasury, to take order.

(2) The tract of land designated by this act, is bounded on the north by a parallel of latitude, extending from the most northerly source of the Little Miami to the Great Miami, and is usually called "Ludlow's survey."

removing all causes of controversy, regulating trade, and settling boundaries, between the Indian nations in the northern department and the said United States, of the one part, and the sachems and warriors of the Six Nations, of the other part, viz:

ARTICLE I. Whereas, the United States, in Congress assembled, did, by their commissioners, Oliver Wolcott, Richard Butler, and Arthur Lee, Esqrs., duly appointed for that purpose, at a treaty held with the said Six Nations, viz., with the Mohawks, Oneidas, Onondagas, Tuscaroras, Cayugas, and Senekas, at Fort Stanwix, on the twenty-second day of October, one thousand seven hundred and eighty-four, give peace to the said nations, and receive them into their friendship and protection. And, whereas, the said nations have now agreed to and with the said Arthur St. Clair to renew and confirm all the engagements and stipulations entered into at the before-mentioned treaty at Fort Stanwix. And, whereas, it was then and there agreed between the United States of America and the said Six Nations that a boundary line should be fixed between the lands of the said Six Nations and the Territory of the said United States, which boundary line is as follows, viz: Beginning at the mouth of a creek, about four miles east of Niagara, called Ononwayea, or Johnston's Landing Place, upon the lake named by the Indians Oswego, and by us Ontario; from thence southerly, in a direction always four miles east of the carrying place, between Lake Erie and Lake Ontario, to the mouth of Tehoseroron, or Buffalo Creek, upon Lake Erie; thence south to the northern boundary of the State of Pennsylvania; thence west to the end of the said north boundary; thence south along the west boundary of the said State to the river Ohio. The said line, from the mouth of Ononwayea to the Ohio, shall be the western boundary of the lands of the Six Nations, so that the Six Nations shall and do yield to the United States all claim to the country west of the said boundary; and then they shall be secured in the possession of the lands they inhabit east, north, and south of the same, reserving only six miles square, round the fort of Oswego, for the support of the same. The said Six Nations, except the Mohawks, none of whom have attended at this time, for and in consideration of the peace then granted to them, the presents they then received, as well as in consideration of a quantity of goods, to the value of three thousand dollars, now delivered to them by the said Arthur St. Clair, the receipt whereof they do hereby acknowledge, do hereby renew and confirm the said boundary line in the words before-mentioned, to the end that it may be and remain as a division line between the lands of the said Six Nations and the Territory of the United States forever. And the undersigned Indians, as well in their own names as in the name of their respective tribes and nations, their heirs and descendants, for the considerations before-mentioned, do release, quit claim, relinquish, and cede to the United States of America all the lands west of the said boundary or division line, and between the said line and the strait, from the mouth of Ononwayea and Buffalo Creek, for them, the said United States of America, to have and to hold the same in true and absolute propriety forever.

ART. 2. The United States of America confirm to the Six Nations all the lands which they inhabit lying east and north of the before-mentioned boundary line, and relinquish and quit claim to the same and every part thereof, excepting only six miles square round the fort of Oswego, which six miles square round said fort is again reserved to the United States by these presents.

ART. 3. The Oneida and Tuscarora nations are also again secured and confirmed in the possession of their respective lands.

ART. 4. The United States of America renew and confirm the peace and friendship entered into with the Six Nations (except the Mohawks) at the treaty before-mentioned, held at Fort Stanwix, declaring the same to be perpetual. And if the Mohawks shall, within six months, declare their assent to the same, they shall be considered as included.

Done at Fort Harmar, on the Muskingum, the day and year first above written.

In witness whereof, the parties have hereunto, interchangeably, set their hands and seals.

Ar. St. Clair.
Cageaga, or Dogs round the Fire.
Sawedowa, or The Blast.
Kiondushowa, or Swimming Fish.
Oncahye, or Dancing Feather.
Sohaeas, or Falling Mountain.
Otachsaka, or Broken Tomahawk, his x mark.
Tekahias, or Long Tree, his x mark.
Onechsetee, or Loaded Man, his x mark.
Kiahtulaho, or Snake.
Aqueia, or Bandy Legs.
Kiandogewa, or Big Tree, his x mark.
Owenewa, or Thrown in the Water, his x mark
Gyantwaia, or Cornplanter, his x mark.
Gyasota, or Big Cross, his x mark.
Kanassee, or New Arrow.
Achiout, or Half Town.
Anachout, or the Wasp, his x mark.
Chishekoa, or Wood Bug, his x mark.
Sessewa, or Big Tail of a Kettle.
Sciahowa, or Council Keeper.
Twanias, or Broken Twig.
Sonachshowa, or Full Moon.
Cachunwasse, or Twenty Canoes.
Hickonquash, or Tearing Asunder.

IN PRESENCE OF

Jos. Harmar, Lieutenant-Colonel commanding 1st U. S. Regiment, and Brigadier-General by brevet.
Richard Butler.
Jno. Gibson.
Will. McCurdy, Captain.
Ed. Denny, Ensign, 1st U. S. Regiment.
A. Hartshorn, Ensign.
Robt. Thompson, Ensign, 1st U. S. Regiment.
Fran. Leile, Ensign.
Joseph Nicholas.

SEPARATE ARTICLE OF THE NEXT PRECEDING TREATY.

Should a robbery or murder be committed by an Indian or Indians of the Six Nations, upon the citizens or subjects of the United States, or by the citizens and subjects of the United States, or any of them, upon any of the Indians of the said nations, the parties accused of the same shall be tried, and, if found guilty, be punished according to the laws of the State or of the Territory of the United States, as the case may be, where the same was committed. And should any horses be stolen, either by the Indians of the said nations, from the citizens or subjects of the United States, or any of them, or by any of the said citizens or subjects, from any of the said Indians, they may be reclaimed, into whose possession soever they may have come; and, upon due proof, shall be restored, any sale in open market notwithstanding; and the persons convicted shall be punished with the utmost severity the laws will admit. And the said nations engage to deliver the persons that may be accused, of their nations, of either of the before-mentioned crimes, at the nearest post of the United States, if the crime was committed within the Territory of the United States, or to the civil authority of the State, if it shall have happened within any of the United States. AR. ST. CLAIR.

WITH THE WYANDOTS, ETC.

ARTICLES of a treaty made at Fort Harmar, between Arthur St. Clair, Governor of the Territory of the United States north-west of the river Ohio, and commissioner plenipotentiary of the United States of America, for removing all causes of controversy, regulating trade, and settling boundaries with the Indian nations in the northern department of the one part, and the sachems and warriors of the Wyandot, Delaware, Ottawa, Chippewa, Pottawattamie, and Sac nations on the other part.

ARTICLE 1. Whereas, the United States, in Congress assembled, did, by their commissioners, George Rogers Clark, Richard Butler, and Arthur Lee, Esqrs., duly appointed for that purpose, at a treaty holden with the Wyandot, Delaware, Ottawa, and Chippewa nations, at Fort McIntosh, on the twenty-first day of January, in the year of our Lord one thousand seven hundred and eighty-five, conclude a peace with the Wyandots, Delawares, Ottawas, and Chippewas, and take them into their friendship and protection. And, whereas, at the said treaty it was stipulated that all prisoners that had been made by those nations, or either of them, should be delivered up to the United States. And, whereas, the said nations have now agreed to, and with the aforesaid Arthur St. Clair, to renew and confirm all the engagements they had made with the United States of America at the before-mentioned treaty, except so far as are altered by these presents. And there are now in the possession of some individuals of these nations certain prisoners, who have been taken by others not in peace with the said United States, or in violation of the treaties subsisting between the United States and them, the said nations agree to deliver up all the prisoners now in their hands (by what means soever they may have come into their possession) to the said Governor St. Clair, at Fort Harmar, or, in his absence, to the officer commanding there, as soon as conveniently may be; and for the true performance of this agreement, they do now agree to deliver into his hands two persons of the Wyandot nation, to be retained in the hands of the United States as hostages, until the said prisoners are restored; after which they shall be sent back to their nation.

Art. 2. And, whereas, at the before-mentioned treaty it was agreed between the United States and said nations that a boundary line should be fixed between the lands of those nations and the Territory of the United States, which boundary is as follows, viz: Beginning at the mouth of Cuyahoga River, and running thence up the said river to the portage between that and the Tuscarawa branch of the Muskingum; then down the said branch to the forks at the crossing place above Fort Lawrence; thence westerly to the portage on that branch of the Big Miami River which runs into the Ohio, at the mouth of which branch the fort stood, which was taken by the French in the year of our Lord one thousand seven hundred and fifty-two; then along the said portage to the Great Miami or Ome River, and down the southeast side of the same to its mouth; thence along the southern shore of Lake Erie to the mouth of Cuyahoga, where it began. And the said Wyandot, Delaware, Ottawa, and Chippewa nations, for and in consideration of the peace then granted to them by the said United States, and the presents they then received, as well as of a quantity of goods to the value of six thousand dollars, now delivered to them by the said Arthur St. Clair, the receipt whereof they do hereby acknowledge, do, by these presents, renew and confirm the said boundary line, to the end that the same may remain as a division line between the lands of the United States of America and the lands of said nations forever. And the undersigned Indians do hereby, in their own names and the names of their respective nations and tribes, their heirs and descendants, for the consideration above-mentioned, release, quit claim, relinquish, and cede to the United States all the land east, south, and west of the lines above described, so far as the said Indians formerly claimed the same, for them, the said United States, to have and to hold the same, in true and absolute propriety, forever.

Art. 3. The United States of America do, by these presents, relinquish and quit claim to the said nations, respectively, all the lands lying between the limits above described, for them, the said Indians, to live and hunt upon, and otherwise to occupy as they shall see fit; but the said nations, or either of them, shall not be at liberty to sell or dispose of the same, or any part thereof, to any sovereign power, except the United States, nor to the subjects or citizens of any other sovereign power, nor to the subjects or citizens of the United States.

Art. 4. It is agreed between the said United States and the said nations that the individuals of the said nations shall be at liberty to hunt within the territory ceded to the United States, without hindrance or molestation, so long as they demean themselves peaceably and offer no injury or annoyance to any of the subjects or citizens of the said United States.

Art. 5. It is agreed that if any Indian or Indians of the nations before-mentioned shall commit a murder or robbery on any of the citizens of the United States, the nation or tribe to which the offender belongs, on complaint being made, shall deliver up the person or persons complained of, at the nearest post of the United States, to the end that he or they may be tried, and, if found guilty, punished according to the laws established in the territory of the United States north-west of the river Ohio for the punishment of such offenses, if the same shall be committed within the said Territory; or according to the laws of the State where the offense may have been committed, if the same has happened in any of the United States. In like manner, if any subject or citizen of the United States shall commit murder or robbery on any Indian or Indians of the said nations, upon complaint being made thereof, he or they shall be arrested, tried, and punished agreeable to the laws of the State or of the Territory wherein the offense was committed, that nothing may interrupt the peace and harmony now established between the United States and said nations.

Art. 6. And, whereas, the practice of stealing horses has prevailed very much, to the great disquiet of the citizens of the United States, and, if persisted in, can not fail to involve both the United States of America and the Indians in endless animosity, it is agreed that it shall be put an entire stop to on both sides; nevertheless, should some individuals, in defiance of this agreement and of the laws provided against such offenses, continue to make depredations of that nature, the person convicted thereof shall be punished with the utmost severity the laws of the respective States or Territory of the United States north-west of the Ohio, where the offense may have been committed, will admit of; and all horses so stolen, either by the Indians, from the citizens or subjects of the United States, or by the citizens or subjects of the United States, from any of the Indian nations, may be reclaimed, into whose possession soever they may have passed, and, upon due proof, shall be restored—any sales in market ouvert, notwithstanding. And the civil magistrates in the United States, respectively, and in the Territory of the United States north-west of the Ohio, shall give all necessary aid and protection to Indians claiming such stolen horses.

Art. 7. Trade shall be opened with the said nations, and they do hereby respectively engage to afford protection to the persons and property of such as may be duly licensed to reside among them for the purposes of trade, and to their agents, factors, and servants; but no person shall be permitted to reside at their towns, or at their hunting camps, as a trader, who is not furnished with a license for that purpose, under the hand and seal of the Governor of the Territory of the United States north-west of the Ohio, for the time being, or under the hand and seal of one of his deputies for the management of Indian affairs; to the end that they may not be imposed upon in their traffic. And if any person or persons shall intrude themselves without such license, they promise to apprehend him or them, and to bring them to the said Governor, or one of his deputies, for the purpose before-mentioned, to be dealt with according to law; and that they may be defended against persons who might attempt to forge such licenses, they further engage to give information to the said Governor, or one of his deputies, of the names of all traders residing among them, from time to time, and at least once in every year.

Art. 8. Should any nation of Indians meditate a war against the United States, or either of them, and the same shall come to the knowledge of the before-mentioned nations, or either of them, they do hereby engage to give immediate notice thereof to the Governor, or, in his absence, to the officer commanding the troops of the United States at the nearest post. And should any nation, with hostile intentions against the United States, or either of them, attempt to pass through their country, they will endeavor to prevent the same, and in like manner give information of such attempt to the said Governor or commanding officer, as soon as possible, that all causes of mistrust and suspicion may be avoided between them and the United States. In like manner, the United States shall give notice to the said Indian nations of any harm that may be meditated against them, or either of them, that shall come to their knowledge, and do all in their power to hinder and prevent the same, that the friendship between them may be uninterrupted.

Art. 9. If any person or persons, citizens or subjects of the United States, or any other person not being an Indian, shall presume to settle upon the lands confirmed to the said nations, he and they shall be out of the protection of the United States, and the said nations may punish him or them in such manner as they see fit.

Art. 10. The United States renew the reservations heretofore made in the before-mentioned treaty at Fort McIntosh, for the establishment of trading posts, in manner and form following; that is to say: six miles square at the mouth of Miami or Omie Rivers; six miles square at the portage upon that branch of the Miami which runs into the Ohio; six miles square upon the lake Sandusky, where the fort formerly stood; and two miles square upon each side of the Lower Rapids, or Sandusky River; which posts, and the lands annexed to them, shall be for the use and under the Government of the United States.

Art. 11. The post at Detroit, with a district of land beginning at the mouth of the river Rosine, at the west end of Lake Erie, and running up the southern bank of said river six miles; thence northerly, and always six miles west of the strait, until it strikes the Lake St. Clair, shall be reserved for the use of the United States.

Art. 12. In like manner the post at Michilimackinac, with its dependencies, and twelve miles square about the same, shall be reserved to the sole use of the United States.

Art. 13. The United States of America do hereby renew and confirm the peace and friendship entered into with the said nations, at the treaty before-mentioned, held at Fort McIntosh; and the said nations again acknowledge themselves, and all their tribes, to be under the protection of the said United States, and no other power whatever.

Art. 14. The United States of America do also receive into their friendship and protection the nations of Pottawattimies and Sacs; and do hereby establish a league of peace and amity between them respectively; and all the articles of this treaty, so far as they apply to these nations, are to be considered as made and concluded in all and every part, expressly with them and each of them.

Art. 15. And, whereas, in describing the boundary before-mentioned, the words, if strictly construed, would carry it from the portage on that branch of the Miami River which runs into the Ohio, over to the river Auglaize, which was neither the intention of the Indians nor of the commissioners, it is hereby declared that the line shall run from the said portage directly to the first fork of the Miami River, which is to the southward and eastward of the Miami village; thence down the main branch of the Miami River to the said village, and thence down that river to Lake Erie, and along the margin of the lake to the place of beginning.

Done at Fort Harmar, on the Muskingum, this ninth of January, in the year of our Lord one thousand seven hundred and eighty-nine.

In witness whereof, the parties have hereunto, interchangeably, set their hands and seals.

Ar. St. Clair. [L. S.]

Peoutewatamie, his x mark.
Konatikina, his x mark.

Sacs.

Tepakee, his x mark.
Kesheyiva, his x mark.

Chippewas.

Mesass, his x mark.
Paushquash, his x mark.
Pawpsicko, his x mark.

Ottawas.

Wewiskia, his x mark.
Neagey, his x mark.

Pottawattimies.

Windigo, his x mark.
Wapaskea, his x mark.
Neque, his x mark.

Delawares.

Captain Pipe, his x mark.
Wingenond, his x mark.
Pekelan, his x mark.
Teataway, his x mark.

Chippewas.

Nanamakeak, his x mark.
Wetenasa, his x mark.
Soskene, his x mark.
Pewanakum, his x mark.

Wyandots.

Teyandatontec, his x mark.
Cheyawe, his x mark.
Doueyenteat, his x mark.
Tarhe, his x mark.
Terhataw, his x mark.
Datasay, his x mark.
Maudoronk, his x mark.
Skahomat, his x mark.

IN PRESENCE OF

Jos. Harmar, Lieut.-Col. Com't, 1st U. S. Reg't, and Brig.-Gen. by brevet.
Richard Butler.
Jno. Gibson.
Will. McCurdy, Captain.
E. Denny, Ensign 1st U. S. Regiment.
A. Hartshorn, Ensign.
Robt. Thompson, Ensign 1st U. S. Regiment.
Frans. Luse, Ensign.
J. Williams, Jr.
William Wilson.
Joseph Nicholes.
James Rinken.

Be it remembered, that the Wyandots have laid claim to the lands that were granted to the Shawanese at the treaty held at the Miami, and have declared that, as the Shawanese have been so restless and caused so much trouble, both to them and the United States, if they will not now be at peace, they will dispossess them and take the country into their own hands; for that the country is theirs of right, and the Shawanese are only living upon it by their permission. They further lay claim to all the country west of the Miami boundary, from the village to the Lake Erie, and declare that it is now under their management and direction.

SEPARATE ARTICLE.

Whereas, the Wyandots have represented that, within the reservation from the river Rosine along the strait, they have two villages from which they can not, with any convenience, remove, it is agreed that they shall remain in possession of the same, and shall not be in any manner disturbed therein.

APPENDIX IV.

RELATIONS BETWEEN WASHINGTON AND ST. CLAIR.

[See Vol. I., p. 158.]

In further explanation of Governor St. Clair's visit to New York, upon the occasion of the organization of the National Government, and the intimate relations between him and General Washington, the following extract is given from "Sketches of Debate in the First Senate of the United States, in 1789-90-91, by William Maclay, a Senator from Pennsylvania"[1] (p. 22):

"Monday, 4th May. Went early to the post-office. As I came back, met General St. Clair. He seemed desirous of speaking with me. Said he had been to my lodgings, and asked me what I thought of the President's new arrangements. It was the first I had heard of them.

"The President is neither to entertain nor receive invitations. He is to have levee days on Tuesdays and Fridays, when only he is to be seen.

"I told the General that General Washington stood on as difficult ground as he had ever done in his life. That to suffer himself to be run down, on the one hand, by a crowd of visitants, so as to engross his time, would never do, as it would render his doing business impracticable. But, on the other hand, for him to be seen only in public, on stated times, like an Eastern Lama, would be equally offensive. If he was not to be seen but *in public*, where nothing confidential could pass between him and any individual, business would, to all appearance, be done without him, and he could not escape the charge of favoritism; all court would be paid to the supposed favorite, weakness and insignificance would be considered as characteristics of the President, and he would not escape contempt; that it was not thus the General gained the universal plaudits of his admiring fellow-citizens. I reiterated these ideas in every shape and in every different light I could place them, for nearly half an hour that we walked in front of St. Paul's Church. The General said that he wished to collect men's sentiments, and the design was to communicate them to the General. I told him my late conduct in the Senate had been such as would render any opinion of mine very ungracious at court, and, perhaps, he had better never make mention of my name. Much more was said, but not worth committing to paper."

---

(1) Friend of St. Clair, Wilson and Judge Smith.

APPENDIX V.

EXAMINATION OF JOHN LEITH.

[See Vol. II, p. 10.]

The deponent saith that he was storekeeper for himself and company at Tuscarawas, where he had a quantity of goods and furs; that there was another store at the same place, kept by James Chambers, for Messieurs Hamilton and Greenough, where was also a considerable amount of goods and skins; that the whole property in both stores was about the value of one thousand pounds.

That on Tuesday, the 27th of September, seven of the Wyandot nation came to the store, about nine o'clock in the morning; the deponent and Chambers were together at his house, sitting by the fire; the Wyandots told the Delawares, a party of whom had been trading with him for some days, that there was war—that the hatchet was taken up; upon which, one of the Delawares came to him and bid him rise and go with him; the deponent went with him, when the Delaware told him that Chambers would be killed; he soon heard the stroke made at Chambers by one of the Wyandots; he was immediately tomahawked and drawn out before the house, where he was left; the deponent having been a prisoner with the Delawares for twelve years, and being adopted as a brother in that nation, was the reason, he supposes, why his life was spared; the Wyandots took the goods and furs, except the property of the deponent, and made two parcels of them; they gave one division to the Delawares, and took the other themselves.

The deponent was carried to the Delaware towns, to a place called Coshurking, on the head-waters of the Big Miami; at the time of his arrival, there was a grand council of the Indians, at which were present the chiefs of the Delawares, Wyandots, Shawanese, Mingoes, Cherokees, Putawatimees, Kickapoes, and the Twigtees, with belts and speeches from the Ouiatinons, Tawas, Chipeways, and the Fox nations.

The council was held on the first of October, and lasted two days and nights; they held it three miles from the town; he could not learn the object of their meeting.

The deponent further saith that he met with Captain Pipe at the council, and, as soon as the council was over, the deponent was released from confinement; Captain Pipe and George Washington went with him to Pipe's residence, a Delaware town on the Sandusky River; they immediately went to work to collect the goods that were taken at Tuscarawas, and had collected a considerable quantity to be redelivered to the owners; they staid two nights at Pipe's town, when Pipe, George Washington, and the deponent went to the Wyandot towns, where they were collecting the goods also; that the chiefs of both nations seemed very averse to the outrage committed at Tuscarawas; the deponent verily believes that a considerable quantity of the goods will be returned; the deponent is of the opinion, from the frequent conversations he has had with the Indians, before and since the late affair at Tuscarawas, that the chiefs of the Delaware and Wyandot nations are for peace, but that the young men and bad characters of both nations can not be kept at peace; that Simon Girty and Captain Caldwell, of the British rangers, were lately at the Wyandot towns, and that he verily believes, from the information given him by a man well acquainted with these matters, that Girty and Caldwell were using their endeavors to prevent the Delawares and Wyandots from going to the treaty to be held at the mouth of the Big Miami.

The deponent further saith that, from every observation he could make, and from the general talk of the Indians, he is led to believe that they are, in general, averse to giving up their lands; he is certain it will be dangerous for the Continental surveyors to go on with their business, until some further treaty is made with the Shawanese, Mingoes, and Cherokees, who appear to be most averse to this business.

The deponent further saith that he was at the Lower Sandusky, when the articles of peace between Great Britain and America were made known to the Indians; that they were told that the hatchet was only laid down, but not buried; that the Half King of the Wyandots remarked that, if it was peace, it should be buried—that there were many of their foolish young men who would take it up, unless it was covered. And further saith not.[1]

Sworn to before me, at Fort McIntosh, this 17th day of October, 1785.

JOHN DOUGHTY,
Major Comm'dt.

APPENDIX VI.

TESTIMONY OF CAPTAIN SLOUGH OF THE FIRST BATTALION OF LEVIES, COMMANDED BY MAJOR THOMAS BUTLER.

[See Vol. I., p. 174; Vol. II., p. 266.]

Captain Slough arrived at Fort Pitt about 12th of May, and left it in July, about the last of it. He was detached to Fort Franklin; arrived at Fort Washington the 1st of September; muskets good, but clothing for the company indifferent; the troops sometimes badly supplied with provisions on the march—not sufficient in quantity, though good in

---

(1) *MS. Harmar Papers.*

quality; as to flour, half a pound, and a pound and a half of beef; began to march early on the 3d of November, and marched till we arrived within about a mile and a half of the ground on which we did afterwards encamp. We remained there some time, and were ordered to march; we went on, and encamped near the bank of the St. Mary's, or a branch of it, as we supposed; our line, the left of the right wing, encamped about one hundred or one hundred and fifty yards from the bank of the river; dark before we got our tents pitched and fires kindled. While I was busily pitching my tent, Colonel Gibson came up with a raccoon in his hand, and told me if I would come to his tent he would show me how to dress a raccoon Indian fashion; I went to his tent and sat down, and we were shortly after joined by Captain Butler; he observed that he thought if a party was sent out they might have an opportunity of catching some of the rascals who might attempt to steal horses; I told him that I should like to command such a party; he sat some time, and then left us; Colonel Gibson, Doctor M'Croskey, and Lieutenant Kelso were present at this conversation; they were also present when Captain Butler, on his return, and Brigade-Major Morgan, came there. One of them asked me if I would take the command of such a party; I told him I would, provided they would give me good men; Captain Butler told me I should have volunteers, and desired me to get ready and go to General Butler's tent. Butler went to the right wing of the army—Gibson's regiment—and mentioned it, and twenty-three or twenty-four, almost all sergeants, joined me; in the meantime, I went to my tent to prepare, and then went to General Butler's tent, and found a number of men collected about the fire of the tent. General Butler asked me to walk into the tent, and ordered some wine. Mr. Denny, aide-de-camp to General St. Clair, was there also. General Butler then told me I ought to be very cautious in going out; either he or the brigade-major gave me the countersign; he directed me to call on Colonel Oldham in my way out, and inform him where I was going. I called at Colonel Oldham's tent; he was lying down with his clothes on, who, after I informed him, requested me not to go, as he was sure my party would be cut off, for, says he, I expect the army will be attacked in the morning; I replied that, as I had received my orders, I must go. He then directed me to the officer who commanded his picket-guard, with whom I fixed on a watch-word, and desired him to communicate it to his sentinels, lest I might be fired upon in the dark. After passing the militia sentinels, I proceeded about a mile up the path, for I had been directed to go one, two, or three miles up the path, and, when I came to a convenient piece of ground, to dispose of the men in the best manner so as to intercept the Indians who came that way. About one mile from camp I halted, divided my men into two parties, about thirty or forty yards apart, on each side of the path, and ordered Lieutenant Cummings and Ensign M'Michael to take command of the party on the right of the path, and I took charge of the party to the left; ordered them all to lie close down to the ground. We had not been long in this situation before six or seven Indians came along to my left, about fifteen yards from where I lay; we fired on them seven or eight guns, and, I believe, killed one; the Indians ran immediately. I ordered the men to load their pieces, and lie down without budging from the place. In about a quarter of an hour, a large party of Indians came along in the same direction, and about the same distance; after they had passed me, they stopped and coughed, and, I suppose, were trying to find me out; they then proceeded on towards camp; I thought they meant to waylay me. While I was in this situation, another party, nearly the same number, passed to the right of Cummings; Cummings then came up to me and asked me if I had seen that party, and he thought they were going to waylay us, saying it was a very large party, and that it would be prudent to return to camp. George Adams, who had gone out with us as my guide, came up by this time, and said he thought it would be prudent for us to return; and, as I found the men uneasy, I ordered them to fall into the path in Indian file and return to camp, and, if they were attacked, to defend themselves with the bayonet altogether, and not fire their pieces; every fifteen or twenty yards we heard something moving in the woods, on both sides of the path, but could not see what it was; we pushed on, and gained the militia camp as soon as possible. I halted my party near Colonel Oldham's tent, and went into it and awakened him, about, I believe, twelve o'clock. Adams was with me when I went out and returned, and heard the conversation. I told Colonel Oldham that I was of the same opinion with him that the camp would be attacked in the morning, for I had seen a number of Indians. I was just going to dress myself, says he, and go and inform the commander-in-chief about it; I will thank you to inform the general that I think the army will be attacked in the morning. I proceeded to camp, and, as soon as I had passed the camp-guard, dismissed the party and went to General Butler's tent; I saw nobody awake or up but the sentry, and then went to Colonel Gibson's tent as soon as possible; I awakened Colonel Gibson and Doctor M'Croskey, and told them of the discoveries I had made, and asked Colonel Gibson to go with me to General Butler; he said he was stripped, and would not; but as you received your orders from him, go and make your report to him. I then went to General Butler's tent, and, as I approached it, I saw him come out of the tent and stand by the fire; I went up to him, and took him some distance from the fire, not thinking it prudent the sentry should hear what I had seen; I also told him what Colonel Oldham had said, and that, if he thought proper, I would go and make the report to General St. Clair. He stood some time, and, after a pause, thanked me for my attention and vigilance, and said, as I must be fatigued, I had better go and lie down. I went from him, and lay down, and never awakened till the firing began on the militia camp; I had taken off none of my clothes, expecting what happened.

EXTRACT FROM THE TESTIMONY OF COLONEL SEMPLE.

The quartermaster-general did not go down with the detachment; great deficiencies of provisions, for want of a sufficient number of pack-horses by the contractors to transport them. General Butler fell about the middle, or nearly the left, of his brother's battalion, about an hour after the charge made by that battalion; carried him, after he fell, back to the battalion, to be dressed by the surgeon. Knows of Captain Slough's going out with a reconnoitering party the evening before the action; his party formed from Captain Butler's company principally; never heard of the Indians surrounding us till we were attacked next day; heard Colonel Oldham, the night before, mention that he had discovered fresh Indian tracks in the creek, and the tracks of horses, as if the Indians had been viewing us; he said, also, that he thought it probable we should be attacked. Just after the taps of the drums, on the morning of the 4th, I heard Major Butler interrogating Adams about the success of the enterprise of Captain Slough, the preceding night; Adams replied that they had seen a number of Indians; that he (Adams) had shot at and, he believed, had killed one, and wished a party to go out with him and endeavor to find the Indian. Major Butler seemed displeased that they had taken no prisoners; about this time, the firing began, the attack having been made on the militia; I observed Major Ferguson preparing to fire his cannon on the Indians who were pursuing the flying militia, and soon saw him fire, which put them in great confusion; but they were soon rallied by their leader on horseback, dressed in a red coat. In the course of the engagement, General St. Clair and General Butler were continually up and down the lines; as one went up one line, the other went down the other.

Question by General St. Clair.—Did you see Mr. Morgan with General Butler, when he fell, or at any other time in the course of the action?

Answer.—The first time I saw General Butler, after he fell, I saw only four soldiers with him, putting him into a blanket; I did not see Mr. Morgan with General Butler, after he fell; I saw General Butler frequently in the course of the action, and never saw Mr. Morgan with him at any time during the same.

EXTRACT FROM THE TESTIMONY OF CAPTAIN DENNY.

Question.—What did you think of the firing in the night before the action?

Answer.—I was in company with General Butler and Colonel Gibson, and we all, when we heard the firing, supposed it to be from our own sentries, on Indians attempting to steal horses; we had no idea of any number of Indians being in the neighborhood.

Early in the night, Captain Butler came to the adjutant-general, and requested that he might take out a party and endeavor to waylay the Indians who might be stealing horses. He afterwards declined it, saying it would not be proper for him to leave camp, but that he would send out a party fit for the purpose: shortly afterwards, I was at General Butler's tent, and the party was paraded, and Captain Slough, I found, was the officer pitched upon; he came up to General Butler's tent, and had some conversation with him and Colonel Gibson; whether it was to ask advice or receive orders, I know not. Dr. Brown, I think, was present at the same time. I remember Major Ferguson being with the General the evening before the action, and that there was a plan laid for throwing up some works. This I understood to be for a place of deposit for the men's baggage.

INJUSTICE OF GOVERNMENT.

[See Vol. I., p. 249.]

"He (St. Clair) afterwards applied to Congress to remunerate him for moneys advanced by him while in the Revolutionary service. Whilst his matter was before Congress, General Ogle, of the Somerset district, in Western Pennsylvania, earnestly and eloquently remarked: 'This was a subject not to be mentioned in the House in the face of day; the treatment of that man ought to be spoken of here only *in the night*. For his part, if there was a statue as strong as brass, or as solid as the pillars of the Capitol, he would blow it to powder, to do justice to a soldier of the Revolution.'

"The above has been taken from a memoir relative to John Smilie, long a member of Congress from the Fayette district, in Western Pennsylvania, by the late James Veech, Esquire, of Pittsburgh."—*Maclay's Sketches of Debate*, p. 267.

i 147 [illegible] 211

211 n 353 n 438 n.

INDEX.

Account of Indian Treaties, i, 156, ii, 108–113, 622–630.
Acts (laws); passed by St. Clair and the judges, ii, 80 *n.*, 167 *n.*; by Terr. Leg., 452 *n.*, 523 *n.*, 543 *n.*
Adams, John, ii, 442.
Addison, Judge, ii, 351, 423 *n.*
Addresses, Speeches, Observations, Remarks, Answers, and Replies: (1.) by Terr. Leg., ii, 473, 511, 515; (2.) by Gov. St. Clair, 53, 141, 353, 367, 438, 446, 451 *n.*, 458, 461, 474, 486, 501, 514, 516, 534, 538, 540, 561, 579, 587, 592, 597; (3.) by others, 7 *n.*, 56 *n.*, 363, 457, 458, 459, 473, 486, 512, 524, 537, 539, 576.
Adrain, Peter, ii, 434, 498.
Advertisements: by Dr. John Connolly, i, 272 *n.*; by John Emerson, ii, 5 *n.*
Allen, Lieut.-Col. Wm., i, 375, *n.*
Amherst, Gen. Jeffrey, i, 2 *n.*, 3, 4 *n.*, 5.
André, Major John, i, 106, 528 *n.*
Armstrong, Capt. John, ii, 268, 273.
Armstrong, Gen. John, i, 97, 98, 574 *n.*, ii, 276.
Arnold, Gen. Benedict, i, 15, 16, 20 *n.*, 44 *n.*, 47, 75, 76, 82, 83, 88, 89, 106, 372 *n.*, 443, 444, 527 *n.*, 528 *n.*, 529 *n.*, 540.
Assembling at Public worship without Arms, impropriety of, ii, 300.
Att'y Gen. U. S., ii, 163, 378, 379, 380, 381, 382, 384, 385.
Baldwin, Col. i, 444.
Baldwin, Michael, ii, 555, 556, 557, 558, 560, 565 *n.*
Barlow, Joel, ii, 154 *n.*, 195 *n.*
Bennington, Battle of, i, 84–86.
Benton, Thomas H., i, 122.
Biddle, Edward, i, 102.
Board of Treasury, ii, 43, 117, 471, 618, 619, 620, 622 *n.*
Board of War, i, 543.
Boudinot, Elias, i, 587 *n.*
Boundary between Md. and Virginia, i, 263 *n.*
Boundary Troubles between Pa. and Va., i, 10, 11, 257, *et seq.*
Bouquet, Col. Henry, i, 7.
Bowdoin, Gov. James, i, 5, 70, 71, 388, 425. 434.
Bowker, Joseph, i, 421.
Bradford, Wm., ii, 377.
Brant, Capt. Joseph (Thayandanegea), i, 153, 154, 155, 157 *n.*, 158, 182, ii, 8, 51, 52 *n.*, 60, 61, 93, 94, 95, 100, 102, 106, 107, 109.
Brant, Capt. Joseph's son, i, 152 *n.*, 157 *n.*, 179 *n.*
Brodhead, Col. Daniel, ii, 1.
Brown, Hon. John, ii, 222 *n.*, 225, 226, 227, 251, 432, 526, 528, 529, 552.
Brown, Maj., ii, 267.
Buntin, Robert, ii, 411, 412, 533.
Burgoyne, Gen. John, i, 22, 58, 60, 63, 65, 66, 68, 81, 83, 84, 88, 89, 90, 91, 398 *n.*, 408 *n.*, 412, 415 *n.*, 422, 423 *n.*, 427, 442, 443, 444, 447 *n.*, 457 *n.*
Burnet, Jacob, i, 211, 212, 213, 221 *n.*, 234, ii, 441, 442 *n.*, 525, 557, 580.
Burr, Aaron, i, 372 *n.*
Butler, Maj. E. M., ii, 280.
Butler, Richard, i, 87 *n.*, 103 *n.*, 108, 110, 127, 151, 155, 171, 172, 174, 176, 312 *n.*, 330, 341 *n.*, 342, 343, 344, 377 *n.*, 380 *n.*, 381, 467, 481, 532, 533 *n.*, 534, 535, 538 *n.*, 558, 604, ii, 1 *n.*, 7 *n.*, 11 *n.*, 40, 41, 43, 46, 48, 51, 52, 60, 79, 83, 117, 150, 184 *n.*, 200 *n.*, 203, 204, 216, 217, 224, 230, 232, 240, 242, 243, 244, 251, 253, 263, 265, 266, 267 *n.*, 278, 280, 281, 288, 301 *n.*, 623, 625, 630, 634, 635.
Butler, Thomas, i, 377 *n.*, ii, 633.
Butler, Wm., i, 249.
Byres, Hon. John, i, 587 *n.*
Cadwallader, Gen. John, i, 32, 33.
Campbell, Col. John, ii, 231.
"Camp Charlotte," i, 375 *n.*
Canada, conquest of, by the British, i, 3–5.
Carleton, Gen. Sir Guy, i, 16, 17 *n.*, 22, 48, 590 *n.*
Carondolet, Gov., i, 204.
Cass, Lewis, calls on St. Clair, i, 253.
Cavet, James, i, 351.

Certificate as to an alleged private conversation of St. Clair, ii, 585.
Charges against St. Clair, ii, 566 *n.*
Chew, Benjamin, i, 295, 351 *n.*
Cincinnati, named by St. Clair, i, 102, 168.
Cincinnati, Society of the, i, 590, 591 *n.*, 592, 593.
Clark, Geo. Rogers, i, 201, 202, 506 *n.*, 511, ii, 1 *n.*, 11 *n.*, 15, 17, 19, 20, 22, 138, 168, 176, 179, 321 *n.*, 322 *n.*, 326, 327, 625.
Clarke, Robert, i, 243 *n.*, ii, 96 *n.*
Cleveland, Moses, i, 215.
Clinton, Gen. James, i, 106 *n.*, 447 *n.*
Clinton, Sir Henry (Gen.), i, 89, 100, 105, 107, 110, 477 *n.*, 504 *n.*, 505 *n.*, 508, 516, 521.
Committee of Ky., ii, 222.
Coit, Joshua, ii, 333.
County Lieutenants, ii, 281.
Connecticut Land Company, i, 193.
Conolly, Dr. John, i, 10, 11, 156, 197, 198, 272 *n.*, 274, 276, 277, 279, 282, 284, 286, 291, 292, 293, 294, 300, 303, 307, 308, 313, 314, 315, 316, 317, 318, 319, 323, 327, 328, 329, 342, 345, 349, 355, 357, 358, 362, ii, 98, 101, 102, 103.
Cornwallis, Charles (Lord), i, 34, 445, 517, 527 *n.*, 546, 550, 552, 554, 555, 561 *n.*
Council of Censors, Penn., i, 371 *n.*, 593.
Council of General Officers, i, 404, 420.
Court-martial, proceedings of, against St. Clair, i, 447 *n.*
Craig, Isaac, i, 548, ii, 201, 446
Craig, Col. John, i, 607 *n.*
Craig, Thomas, i, 377 *n.*
Crawford, Valentine, i, 297 *n.*, 356, 358 *n.*
Crawford, Col. Wm., i, 282, 291, [illegible] 297 *n.*, 299, 322 *n.*, 330, 339, [illegible] *n.*, 352 *n.*
Cresap, Michael, i, 260 *n.*, 265, 297 *n.*, 298, 299, 315, 323, 328.
Croghan, Geo., i, 260 *n.*, 262, 263 *n.*, 265, 267, 268, 278, 284, 297 *n.*, 301, 303, 311, 312, 326, 335, 338, 341.
Crown Point, i, 24, 25.
Cutler, Manasseh, i, 122–136, 605 *n.*, ii, 36 *n.*, 620, 621, 622.
Dane, Nathan, i, 122–135, ii, 607, 611, 612, 618.
Dangers besetting N. W. Terr., 1797, ii, 417.
Darlington, Wm. M., note by, i, 158.
Darke, Col. Wm., i, 177 *n.*, ii, 200 *n.*, 203, 239, 240, 243, 263, 265, 270, 273.
Davy, Col., i, 567.
Dayton, Jonathan, i, 194.
Deane, Silas, i, 47 *n.*
Decker, Luke, ii, 318.
De Kalb, Baron, i, 99.
Denny, Ebenezer, i, 113, 151, 171, 180, 181, ii, 109, 190, 200, 266, 625, 630, 636.
D'Estaing, Count, i, 100 *n.*, 486 *n.*, 487.
Dickinson, John, i, 585 *n.*, 599.
District of West Augusta, i, 285 *n.*, 357 *n.*
Donop, Count, i, 32, 33.
Dorchester, Lord, i, 182, ii, 101, 102, 103.
Doughty, John, i, 139, ii, 9, 12, 15, 23, 45 *n.*, 95, 129, 132, 133, 134, 135, 137, 138, 140, 145, 150, 183, 633.
Dougherty, Bernard, i, 9 *n.*, 259 *n.*, 268.
Du Coigne, Baptiste, ii, 139, 141, 142.
Du Moulin, John, ii, 495.
Dunlavy, Francis, i, 231, ii, 449 *n.*, 566 *n.*
Dunlevy, A. H., i, 243 *n.*
Dun, Isaac B., ii, 106.
Dunmore, Lord, i, 9, 10, 272, 276, 277, 281 *n.*, 283, 285, 287, 292, 294, 295, 296, 303, 313, 314, 316, 317, 318, 319, 344, 348 *n.*, 354, 355, 357 *n.*, 358, 362, ii, 400.
"Dunmore's War," i, 9, 11, 296 *et seq.*
Dupertail, Chevalier, ii, 152.
Edgar, John, ii, 495, 533.
Emerson, John, Adv. of, ii, 5 *n.*
Ettewein, John, ii, 420.
Ewing, Gen. James, i, 32.
Ewing, William, ii, 496.
"Fallen Timbers," battle of, i, 184.
Fay, Jonas, i, 424.
Fearing, Paul, i, 149 *n.*, ii, 451 *n.*, 544, 545 *n.*, 546 *n.*, 547 *n.*, 548, 549, 557, 575, 576, 583.
Ferguson, Major, ii, 223, 289 *n.*, 292 *n.*
Fermoy, Roche de, i, 65, 392 *n.*, 404, 405, 420, 421, 441 *n.*, 456 *n.*
Filson, John, killed, ii, 94.
Findlay, James, ii, 442, 447 *n.*
Finley, Col. Samuel, ii, 496, 565, 571.
Fitzsimmons, Hon. Thomas, i, 579, ii, 191, 278, 287, 299.
Forbes, Gen. John, i, 3, 262 *n.*
Force, Peter, writes history of Ordinance of 1787, ii, 603.
Fort Harmar, Indian Treaties at, i, 156, ii, 106, 622 *et seq.*

Fort Lee, abandonment of, i, 27.
Fort Recovery, erection of, i, 188.
Fort Washington, surrender of, i, 26.
"Fort Wilson Riot," i, 488 *n.*
Fountneroy, Maj., i, 558.
Franklin, Benj., i, 606, 607 *n.*, 608.
Fraser, Gen., i, 19, 22, 60, 61, 35, 90, 423 *n.*
Frazer, John, i, 259.
French of Gallipolis, ii, 190.
Gamelin, Antoine, i. 164, 167, ii, 155.
Gamelin, Capt. Fred., ii, 132.
Gano, John S., ii, 327 *n.*, 495, 524.
Gardoqui, Don Diego, i, 199, ii, 59, 104, 121 *n.*
Gates, Gen. Horatio, i, 25, 27, 30, 46 *n.*, 50–52, 54, 73, 75, 87, 88, 92, 94, 372 *n.*, 385, 395, 407, 441, 444, 445, 447 *n.*, 515 *n.*, 517 *n.*, 526 *n.*, 605.
Gates, Gen. Thomas, i, 2 *n.*, 6.
Gayoso, Gov. See Lemose, Manuel Gayoso de.
Gazette of France, an article from, ii, 129 *n.*
Glover, Gen. John, i, 106 *n.*
Genet, Citizen, i, 201, 202, 203.
Gerlach, Capt., i, 561.
Gibault, Father, i, 165, ii, 148, 179.
Gibson, John, i, 215, 272, ii, 625, 630, 634, 635, 636.
Gillman, Joseph, i, 145 *n.*
Gist, Gen., i, 557, 564.
Gouvion, Col., ii, 153.
Governor of Virginia, ii, 84.
Greene, Gen. Nathaniel, i, 26, 31; 42 *n.*, 93, 98, 100, 106 *n.*, 113, 482, 492, 515 *n.*, 527 *n.*, 530 *n.* 531 *n.*, 545, 546, 547, 548, 550, 553, 562, 463, 564, 568 *n.*, 569, 582.
Greenville, Indian Treaty at, i. 185.
Haldimand, Gen. Frederick, i, 272 *n.*
Hamilton, Alex., i, 12, 105, 115, 158 *n.*, 255 *n.*, 503, 506, 529 *n.*, 588 *n.*, ii, 209, 300 *n.*, 317, 392.
Hamilton, Henry, i, 506 *n.*, 509, 511.
Hammond, Charles, i, 283.
Hamtramck, John Francis, i, 164, 167, 175, ii, 14, 15, 16 *n.*, 18, 22, 23, 26, 27, 34, 45, 87, 92, 105, 130, 132 *n.*, 135, 155, 160, 161, 182, 185, 193, 196, 197, 214, 215, 239, 251, 252, 261, 269, 270, 446.
Hancock, John, i, 15 49, 55 *n.*, 94, 99, 388, 389, 426, 439, 452 *n.*
Hand, Edward, i, 82, 83, 106 *n.*, 591 *n.*
Hannastown, Resolutions adopted at, i, 363–365.
Harmar, Joseph, i, 139, 144, 151, 152, 168, 169, 177, 178, 467, 474, 569, 570, ii, 2, 3, 5 *n.*, 6, 7, 11, 13, 15 *n.*, 16, 18, 24, 25 *n.*, 26, 29, 30, 36, 37, 38, 41, 42, 44, 45, 50, 51, 64, 80, 87, 88, 92, 105, 129, 133, 134 *n.*, 138, 144, 146, 150, 151, 160, 161, 179, 181, 182, 183, 184 *n.*, 188, 193, 215, 216, 244, 251, 252, 262, 279, 289 *n.*, 625, 630.
Harrison, R. H., i, 378.
Harrison, Wm. Henry, i, 121 *n.*, 207, 214, 215, 236, 245 *n.*, 252 *n.*, ii, 344 *n.*, 422 *n.*, 449 *n.*, 489, 533, 564, 570.
Hartley, Thomas, i, 487.
Hay, Col., i, 414, 467, 531.
Hazen, Moses, i. 104 *n.*, 493 *n.*, 494, 495, 496, 497, 576.
Heath, Gen. William, i, 531 *n.*, 536, 552, 559, 591.
Hackewelder, John, i, 188, ii, 420, 421, 433.
Herkimer, Gen. Nicholas, i, 83.
Hodgdon, Samuel, ii, 216, 217, 248, 250, 251, 273, 278, 279, 289, 293, 300, 301 *n.*
Hooper, Jr., R. L., i, 264, 321, 360.
House of Representatives, Gov. St. Clair to, ii, 465.
Howard, Senator, J. E., ii, 530.
Howe, Gen. Robert, i, 106 *n.*, 115, 589.
Howe, Sir William, i, 4, 74, 97, 98, 396, 444.
Huntington, Gen. Ebenezer, i, 106 *n.*, 591 *n.*
Huntington, Gen. Sam'l, i, 603, 634 *n.*, ii, 586.
Hutchins, Thomas, ii, 14, 15, 16 *n.*, 18, 19, 91, 92, 305.
Indians: Cahokias, ii, 144 *n.*; Cayugas, 87, 628; Cherokees, 13 *n.*, 86, 112, 114, 146, 632; Chickasaws, 26, 133, 140, 302; Chippewas, i, 155, 156, 180 *n.*, ii, 2, 63, 64, 81, 87, 108 *n.*, 109, 114, 159 *n.*, 303, 343 *n.*, 625, 626, 632; Choctaws, 133; Creeks, 302; Delawares, i, 9, 143, 156, 160 *n.*, 2[illegible]8, 304, 315, 320, 332 *n.*, 333, 335 *n.*, 336 *n.*, 341, 343, 358, ii, 1, 2, 6, 9, 14, 16 *n.*, 17 *n.*, 42, 48, 50, 63, 81, 82, 87, 90, 100, 106, 108 *n.*, 109, 114, 140, 157 *n.*, 303, 343 *n.*, 401, 625, 626, 632, 633; Foxes, 632; Hurons, i, 338; Kaskaskias, ii, 81, 401; Kickapoos, i, 153, ii, 88, 89, 139, 155 *n.*, 156 *n.*, 159 *n.*, 228, 236, 238, 401, 402, 632; Mascoutins, i, 188; Monomonees, i, 138; Miamis (Twightwees), i, 9, 153, 155, 160 *n.*, ii, 100, 132 *n.*, 155 *n.*, 157 *n.*, 158 *n.*, 159 *n.*, 228, 236, 244, 343 *n.*, 401, 632; Mingoes, i, 296 *n.*, 300 *n.*,

306 *n.*, 313 *n.*, 317 *n.*, 348 *n.*, ii, 632; Mohawks, i, 156, 157 *n.*, 178, ii, 52 *n.*, 102, 106, 623; Mohicans, i, 9, 313 *n.*; Mouseys, 9, 326; Moravians, ii, 18, 42, 201, 420, 421, 433, 434; Nez Perces, i, 138; Oneidas, ii, 87, 623; Onondagas, 623; Ottawas (Tawas), i, 155, 156, 338, ii, 2, 50, 64, 81, 87, 108 *n.*, 109, 140, 159 *n.*, 343 *n.*, 625, 626, 632; Peorias, 144 *n.*, 401; Piankeshaws, 28, 33, 89, 139, 155 *n.*; Pottawatomies, i, 155, 156, ii, 106, 108 *n.*, 109, 114, 343 *n.*, 376, 625, 632; Sacs, i, 156, ii, 106, 108 *n.*, 109, 114, 140, 625; Saganaws, 194; Senecas, 46, 82, 83, 87, 88, 106, 109, 623; Shawanese, i, 9, 153, 296 *n.*, 297, 298, 299, 304, 306 *n.*, 309, 312 *n.*, 313 *n.*, 314, 315, 316 *n.*, 317 *n.*, 318, 320, 332 *n.*, 333, 334, 335, 337, 338, 339, 341, 346 *n.*, 347 *n.*, 348 *n.*, 357 *n.*, ii, 6, 9 *n.*, 11 *n.*, 12 *n.*, 16 *n.*, 17 *n.*, 19, 102, 106, 109, 110, 112, 140, 146, 155 *n.*, 157 *n.*, 158 *n.*, 159 *n.*, 201 *n.*, 303 *n.*, 343 *n.*, 387, 401, 402, 630, 632; Six Nations, i, 9, 143, 298, 300 *n.*, 304, 315, 320, 335, 338, 341, ii, 7, 8, 48 *n.*, 52 *n.*, 82, 83, 87, 88, 99, 106, 108 *n.*, 113, 158 *n.*, 159 *n.*, 213 *n.*, 623; Tuscarawas, 623; Weas, 33; Winnebagoes, i, 138; Wyandots, 143, 155, 156, 338, ii, 2, 6, 9, 14, 16 *n.*, 17 *n.*, 48, 58, 81, 82, 88, 90, 99, 100, 108 *n.*, 109, 110, 112, 113, 114, 126, 158 *n.*, 159 *n.*, 303, 343, 625, 626, 630, 632, 633.

Injustice of the U. S. to St. Clair, i, 249, ii, 637.

Instructions: to St. Clair, i, 471, ii, 36, 115 *n.*; to Paul Fearing, 545 *n.*; to Col. Jos. Harmar, ii, 3 *n.*; to Gen. James Wilkinson, ii, 227.

Irvine, Gen. William, i, 18, 21, 108, 109, 112, 116, 127, 255 *n.*, 325, 492, 531, 538 *n.*, 541, 542, 543, 549, 550, 552, 554, 555, 556, 557, 560, 582, 583, 585, 587 *n.*, ii, 48, 84 *n.*

Jackson, Maj. A., i, 587.

Jay, John, i, 72, 79, 80, 81, 198, 433, 434, 601, 602, 603, ii, 101, 121 *n.*, 528.

Jefferson, Thomas, i, 527 *n.*, 604, 608, ii, 46, 101 *n.*, 127, 312, 319, 332, 350, 398, 529, 570, 606, 612.

Johnson, Sir John, i, 83, 158, 412, ii, 18.

Jones, Gen., i, 564.

Jones, Paul, i, 590, 609, ii, 127, 129 *n.*

King, Rufus, i, 123.

Knox, Gen. Henry, i, 81, 99, 106 *n.*, 154, 172, 547, 562, 591 *n.*, ii, 6 *n.*, 47, 84, 90, 92, 100, 106, 107, 129, 147, 148, 149, 162, 181, 186 *n.*, 193 *n.*, 195 *n.*, 200, 201, 202, 216, 224, 230, 232, 233, 240, 241, 242, 243, 245, 247, 249, 267 *n.*, 269, 275, 301 *n.*, 302.

Knyphausen, Gen., i, 97, 98.

Kosciusko, Thaddeus, i, 51, 82, 448 *n.*

La Fayette, Marquis de, i, 12, 96, 100, 101, 106 *n.*, 107, 110, 164, 458, 515 *n.*, 518 *n.*, 527 *n.*, 529 *n.*, 532, 533 *n.*, 536, 540, 541, 542, 550, 609, ii, 127.

Larned, Gen. Simon, i, 88.

Lawrence, Gen., i, 106 *n.*

Laws of the N. W. Terr. See Acts.

Lear, Tobias, ii, 282.

Lee, Arthur, ii, 623, 626.

Lee, Gen. Charles, i, 27, 28, 101.

Lee, Richard Henry, i, 158 *n.*, ii, 2 *n.*, 610.

Legislative Council, St. Clair to, ii, 470.

Leith [Leeth], John, ii, 9, 10 *n.*, 632.

Lemose, Manuel Gayoso de, ii, 389, 401.

Lenox, Maj. David, i, 480 *n.*

Letters: from St. Clair to William Allen, i, 375; Capt. Jno. Armstrong, ii, 268, 273; John Adams, 442; Att'y-Gen. U. S. 163; Gov. James Bowdoin, i, 425, 434; Board of War, 543; Gen. Richard Butler, ii, 52, 79, 150; Board of Treasury, 43, 117; John Brown, 225, 432; Maj. Brown, 267; Maj. E. M. Butler, 280; Robert Buntin, 411; Dr. Jno. Conolly, i, 327; Benj. Chew, 295; Joshua Coit, ii, 333; Committee of Ky., 222; Col. Jno. Campbell, 231; County Lieutenants, 231; Col. Davy, i, 567; Luke Decker, ii, 318, Jonas Fay, i, 424; Benj. Franklin, 608; Maj. Fountneroy, 558; Thomas Fitzsimmons, 579, ii, 278; French of Gallipolis, 190; Paul Fearing, 549, 557; Gen. Nathaniel Greene, i, 482, 564; Capt. Gerlach, 561: M. Gardoqui, ii, 59; Governor of Virginia, 84; John Hancock, i, 426, 439; Col. Hay, 414; Joseph Harmar, ii, 144; John Francis Hamtramck, 180, 289; Alex. Hamilton, 209, 317; Wm. Henry Harrison, 489 Samuel Hodgdon, 248; Samuel Huntington, 586; House of Representatives, 465; Gen. Wm. Irvine, i, 492, 554, 555, 556, 557, 583, 585; Thomas Jefferson, ii, 332; John Jay, 101; Gen. Henry

Knox, 92 *et seq.*, 106, 238, 240, 245, 249, 269; Israel Ludlow, 209, 230, 246; Legislative Council, 470; Col. Mehelm; i, 469; Robert Morris, 458; Frederick Muhlenberg, 543; Gen. Alex. McDougall, 573; James Monroe, 599; Maj. Murray, ii, 186; Nathaniel Massie, 425 *n.*, 426, 569 *n.*; John Marshall, 497; James Madison, 599; Gov. Nelson, i, 562; Officers of Penn. Line, 580; Gov. Jno. Penn, 279, 296, 302, 304, 306, 314, 317, 322, 325, 326, 328, 331, 338, 340, 343, 345, 347, 350, 354, 361; President of Cong., 365; President of the U. S., ii, 111, 123, 164, 198, 279, 282, 284, 285, 390, 431, 438, 442, 484, 488, 573; Parsons and Varnum, 61, 64, 67, 72; Samuel H. Parsons, 91; Joseph Parks, 436; Timothy Pickering, 494; Joseph Reed, i, 460, 479, 484, 488, 532, 544; Edmund Randolph, ii, 312; James Ross, 409, 480, 555; Gen. Philip Schuyler, i, 396, 401, 406, 410, 411, 414, 415, 419, 423; Joseph Shippen, Jr., 260, 265, 267, 273, 274, 284, 345, 353, 358; Mrs. St. Clair, 529 *n.*, 560; Col. Sproat, ii, 340; Winthrop Sargent, 335, 404, 405; Sec. of War, 40, 43, 46, 48, 50, 57, 63, 81, 85, 87 *et seq.*, 95, 99, 108, 115, 136, 156, 183, 188, 190, 192, 203, 212, 262, 277, 321, 337, 445, 464; Sec. of State, 326, 396, 421, 443, 532; Gov. Isaac Shelby, 320, 386; Brig. Gen. Charles Scott, 207, 226; Wm. St. Clair, 372; Capt. Sedgwick, 462, 463, 464; James Smith, 495; Charles Thomson, 97; The Judges, 189; Judge Turner, 218, 311, 330; Ensign Tillinghast, 272; Geo. Tod, 581; Judge Varnum, 93; Maj. Wyllys, 98; Gen. James Wilkinson, 227, 427; Dudley Woodbridge, 543; Thomas Worthington, 553 *n.*; William Wells, 497; Oliver Walcott, 378, 393, 406, 472; James Wilson, i, 382, 402; Gen. Anthony Wayne, 477, 485, 586; Gen. Geo. Washington, 429, 472, 475, 486, 489, 494, 498, 499, 502, 515, 518, 525, 531, 533, 542, 545, 546, 549, 553, 559, 563, 565, 568, 572, 588; Ebenezer Zane, ii, 98.

Letters: To St. Clair from Peter Adrain, ii, 434, 498; Judge Addison, 351; Joseph Bowker, i, 421; Col. Baldwin, 444; Gen. Richard Butler, ii, 46, 51, 60, 244; Joel Barlow, 154 *n.*; Maj. E. M. Butler, 280; Jacob Burnet, 525; Jno. Brown, 526; Dr. John Conolly, i, 327; Geo. Croghan, 262, 303; James Cavet, 351; John Dickinson, 585 *n.*, 599; Bernard Dougherty, 268; Isaac B. Dun, ii, 106; Chevalier Duportail, 152; John Ettwein, 420; Wm. Ewing, 496; J. Edgar, 533; Benj. Franklin, i, 606; Thomas Fitzsimmons, ii, 191; Major Ferguson, 228; Paul Fearing, 558, 583; Gen. Horatio Gates, i, 445, 605; Gen. Nath. Greene, 482, 550, 568; M. Gardoqui, ii, 59 *n.*; Father Gibault, 148; Gov. Gayoso, 389; Col. Gouvion, 153; R. L. Hooper, Jr., i, 264, 321; Col. Thomas Hartley, 437; Gen. Joseph Harmar, 569, ii, 86, 183; John Francis Hamtramck, ii, 197; J. E. Howard, 530; Gen. Wm. Irvine, i, 531, 582; Maj. A. Jackson, 587; Paul Jones, 590, 609, ii, 127; Gen. Henry Knox, 47, 84, 100, 107, 148, 149, 162, 181, 202, 232, 242, 247, 275; Marquis de La Fayette, i, 456; Col. Long, 453; Capt. de Luziere, ii, 199, 491; Tobias Lear, 282; James Madison, i, 244–246; R. K. Meade, ii, 113; James McHenry, 395; John Marshall, 530; Viscount Malartic, 406; Stevens T. Mason, 531; Æneas Mackay, i, 269, 271, 312, 330, 343; Gov. John Penn, 276, 305, 320, 335; Judge Parsons, ii, 120; Judges Parsons and Varnum, 69; President of Cong., i, 372; Hon. Jno. Potts, 578; President of the U. S., ii, 125, 283, 285; Timothy Pickering, 338, 343; Joseph Reed, i, 467, 492, 558; Gen. R. Rutherford, 566; James Ross, ii, 422, 529; Edmond Randolph, 350; Gen. Philip Schuyler, i, 405, 409, 412, 438; Judges Symmes and Turner, ii, 187; Judge Symmes, 339, 347; Major-Gen. Steuben, i, 502; Joseph Shippen, Jr., 271; Senator Schureman, ii, 530; William Smith, i, 288, 323, 359; Joseph Spear, 284; Thomas Smith, 360, 370, 373; Col. Sproat, ii, 224; William St. Clair, 143, 316; Gen. Wm. Thompson, i, 367, 379; James Tilghman, 313; Judge Turner, ii, 325, 345, 348, 351; Bartholomew Tardiveau, 117; United States, i, 606; James Wilson, 324, 379, 381, 383, 392, 417, ii, 119; Gen. Wilson, i, 257; Col. Joseph Wood, 377; Gen. Geo. Washington, 392, 469, 470, 472, 473, 474, 476, 478, 493, 497, 499, 501, 503, 520, 528, 530, 535, 537–541, 548, 551, 552, 561, 567, 577, 591 *n.*, 592, ii, 554 *n.*; James Wilkinson, i, 407, 442, 443, ii, 283, 310; Gen. Anthony Wayne, 374, 387; Oliver Wolcott, 385, 403; David Zeisberger, 433.

Letters: Gen. John Armstrong to President of the U. S., ii, 276; John Byres to Gen. Wm. Irvine, i, 587 *n.*; Capt. Joseph Brant to Richard Butler, ii, 60 *n.*; Wm. Bradford to Sec. of the Treas., 337; John Brown to Thomas Worthington, 528; Wm. Crawford to Gov. John Penn, i, 291; Valentine Crawford to Geo. Washington, 356; Isaac Craig to Gen. Henry Knox, ii, 201; John Doughty to Maj. Wyllys, 134; same to Sec. of War, 9; Lieut. E. Denny to Gen. J. Harmar, 200: Lord Dunmore to Gov. Penn, i, 285; Benj. Franklin to Gov. Clinton, 607 *n.*; same to Col. John Craig, 607 *n.*; Samuel Findley to Thomas Worthington, ii, 565 *n.*; Gen. Horatio Gates to Gen. Geo. Washington, i, 395; Col. R. H. Harrison to Gen. Philip Schuyler, 378; Gen. J. Harmar to Gen. A. Wayne, 463 *n.*; same to Sec. of War, ii, 6, 7, 11, 13, 14, 16, 18, 19, 22, 23, 24, 26, 30, 37, 38, 42, 44, 45, 64, 87; same to Maj.-Gen. Knox, 129; same to President of Congress, 3; same to John Francis Hamtramck, 92; Gen. Wm. Irvine to Richard Butler, i, 60; Dr. Wm. A. Irvine to Wm. Henry Smith, 255 *n.*; Thomas Jefferson to Gov. Isaac Shelby, ii, 319; Gen. Henry Knox to Richard Butler, 216, 224, 230, 232; same to the President U. S., 240, 441, 243; Israel Ludlow to Thomas Worthington, 576; Nathaniel Macon to Thomas Worthington, 590; Nathaniel Massie to James Madison, 563; same to Thomas Worthington, 552, 559, 572, 591, 599; Return J. Meigs to Thomas Worthington, 527, 586; New Hampshire Com. of Safety to Delegates in Cong., i, 394; Gen. E. Poor to Gen. Horatio Gates, 395 *n.*; President of the U. S. to Gov. of Virginia, ii, 114; same to Sec. of War, 186 *n.*; same to Col. Wm. Darke, 203; same to C. W. Byrd, i, 246; Rufus Putnam to Gen. Henry Knox, ii, 302; same to Thomas Worthington, 413, 471; Gov. John Penn to Lord Dunmore, i, 277, 287; Count de Segur to Count Montmorin, 128 *n.*; Winthrop Sargent to officers at Gallipolis, 206; same to Judge Symmes, 300, 310 *n.*; same to Capt. Pierce, 327; same to Judge McMillan, 328; same to Sec. of State, 329; Gen. Philip Schuyler to Gen. Geo. Washington, i, 412; same to Gen. Anthony Wayne, 478; Edward Tiffin to President of the U. S., 481; same to Thomas Worthington, 553, 571, 574; Tiffin and others to Inhabitants of Eastern Portion of N. W. Terr., 524; John Tod to James Madison, 584; Anthony Wayne to President of Cong., i, 384; same to Gen. Horatio Gates, 385, 393; same to Gen. Philip Schuyler, 386, 387, 391; same to Gov. James Bowdoin, 388; same to John Hancock, 389; same to Col. G. Van Shaick, 390; same to Gen. Geo. Washington, 463 *n.*; Seth Warner to Vermont Convention, 418; James Wilkinson to Gen. Horatio Gates, 51, 407; Thomas Worthington to the President of U. S., ii, 565; Gen. Geo. Washington to Marquis de La Fayette, i, 519 *n.*; same to President of Congress, 524 *n.*; same to Commanding Officer at West Point, 527.

Liebert, Philip, Report of, ii, 16 *n.*

Ligonier Valley, first settlement of, i, 7; description of, 8.

Lincoln, Gen. Benj., i, 44 *n.*, 87, 93, 183, 384, 441, 443, 457 *n.*, 556, 586 *n.*

Little Turtle, i, 170, 178, 183.

Livingston, Chancellor, i, 158 *n.*

Logan, Col. Benj., ii, 19, 21, 214, 271.

Long, Col. Pierse, i, 65, 66, 420, 421, 453.

Losantiville (Cincinnati), ii, 180.

Ludlow, Israel, i, 194, ii, 200, 210, 230, 246, 295, 337 *n.*, 444, 552, 575, 576.

Luzerne, Chevalier de la, i, 590.

Luziere, Capt. de, ii, 190, 491.

Mackay, Æneas, i, 269, 271, 295 *n.*, 312, 313 *n.*, 318 *n.*, 319 *n.*, 323 *n.*, 330, 331, 341 *n.*, 343, 344.

Macon, Nathaniel, ii, 590.

Madison, James, i, 244–246, ii, 563, 584, 590.

Magaw, Col. Robert, i, 365 *n.*

Malartic, Hypolite de, ii, 406 *et seq.*
Marshall, John, ii, 497, 530.
Marietta, Address of Citizens to St. Clair, ii, 56 *n.*
"Mason and Dixon's Line," ii, 263 *n.*, 278, 290.
Mason, Stevens T., ii, 531, 552.
Massie, Nathaniel, ii, 425 *n.*, 428, 448 *n.*, 449 *n.*, 495, 523, 527, 552, 559, 560 *n.*, 563, 567, 568 *n.*, 569 *n.*, 571, 572, 591, 599.
Maumee Indian Towns, expedition against, i, 168–170.
May, Col. John, Journal of, i, 150.
"Mayflower" arrives at Marietta. i, 139 *n.*
McCormick, Alex., statement of, ii, 9, 10 *n.*
McDougall, Gen. Alex., i, 101, 470 *n.*, 472, 475, 522, 527 *n.*, 578.
McHenry, James, ii, 395.
McKean, Hon. Thomas, i, 556 *n.*
McKee, Alex., i, 156, 157 *n.*, 160 *n.*, 283 *n.*, 298, 302, 330, 333 *n.*, 338, 341, ii, 13, 106, 194.
McLean, Capt., ii, 446.
McMillan, Judge, ii, 328, 557.
Meade, Col. R. K., ii, 113, 114 *n.*
Mehelm, Col., i, 469.
Meigs, Return J., i, 145 *n.*, 148, 149 *n.*, 247, ii, 79 *n.*, 80 *n.*, 194, 527, 580 *n.*
Mercer, Gen. Hugh, i, 31, 36, 38, 39, 40 *n.*, 381.
Message of St. Clair to House of Rep., ii, 472.
Mifflin, Gen. Thomas, i, 33, 44 *n.*, 100, 101 *n.*, 159, 201, 325 *n.*, 383, 480 *n.*, 483, 557, ii, 184.
Miami Indian Towns, Expedition against, i, 171–177, ii, 240–271.
Miami Company, ii, 333.
Miro, Gov., ii, 122.
Montcalm, Marquis de, i, 3.
Montgomery, Gen. Richard, i, 16.
Monroe, James, i, 599, 600 *n.*
Morgan, Gen. Daniel, i, 87, 88.
Morgan, Gen. Geo, ii, 102. 103, 104
Morris, Gouverneur, i, 72, 78, 440 *n.*
Morris, Gen. Lewis, i, 14.
Morris, Robert, i, 98, 365 *n.*, 458, 480 *n.*, 561 *n.*, 572, 680 *n.*
Morrow, Jeremiah, i, 28.
Moravian Indians. See Indians.
Moravian Missionary Towns, i, 144 *n.*, ii, 2 *n.*
Moylan, Col. John, i, 544.
Muhlenberg, Gen. Frederick A., i, 116, 117 *n.*, 447 *n.*, 543.
Murray, Maj., ii, 186.
Nelson, Gov., i, 562.
"Newburg Addresses," i, 574 *n.*
Neville, John, 361 *n.*, ii, 408.
"New Counties Controversy," ii, 515 *et seq.*
Nicolet, John, discovers the N. W., i, 137.
Observations, etc., by St. Clair, ii, 367.
Official Instructions. See Instructions.
Official Proceedings of House of Rep., ii, 542 *n.*
Official Records of the N. W. Terr., ii, 131 *n.*, 310, 336 *n.*, 344 *n.*, 438 *n.*
Officers of Penn. Line written to by St. Clair, i, 580.
O'Harra, Gen., killed, i, 546.
Ohio Company (new), i, 124, 126, 150, 333, 471, ii, 201 *n.*, 509.
Ohio Company (old), i, 263 *n.*
Ohio, Temporary Settlements in, in 1785, ii, 3 *n.*, 4 *n.*
Oldham, Lieut.-Col., ii, 265, 266, 267, 278, 634, 636.
Oliver, Robert, ii, 512.
Ordinances for Sale of Lands, i, 128, ii, 618–622.
Ordinance of 1787: history of, i, 118 *et seq.*, ii, 603 *et seq.*; copy of, 612–618.
Parks, Joseph, ii, 486.
Parsons and Varnum, Judges, ii, 61, 64, 67, 69, 72.
Parsons, Gen., i, 106 *n.*
Parsons, Samuel Holden, i, 135, 140, 144 *n.*, 193, ii, 36 *n.*, 51, 53 *n.*, 61, 64, 67, 69, 72, 91, 120, 334, 402.
Patterson, Gen. John, i, 106 *n.*, 420, 421, 441 *n.*
Paulding, John, helps capture André, i, 528 *n.*
Penn, Gov. John, i, 261 *n.*, 271, 273 *n.*, 275 *n.*, 276, 277, 278 *n.*, 279, 285, 287, 291, 296, 302, 303, 304, 305, 306, 308, 314, 317, 320, 322, 324, 325, 326, 328, 331, 335, 338, 340, 343, 345, 347, 350, 351 *n.*, 354, 361.
Penn, Gov. Richard, i, 261 *n.*, 273 *n.*
Pentecost, Dorsey, i, 262.
Phillips, Maj.-Gen. Wm., i, 60, 63, 90, 105, 442 *n.*, 505 *n.*, 509, 511, 512, 513.
Pickering, Timothy, i, 44, 128, 133 *n.*, 188, ii, 338, 343, 494, 570, 571.
Pierce, Capt., ii, 327, 330 *n.*, 404.
Plan of Gov. for Penn., i, 593 *et seq.*
Poole, Wm. Frederick, i, 122–135.
Poor, Gen. Enoch, i, 54, 90, 395 *n.*, 396 *n.*, 420, 421, 441, 449 *n.*
Potts, Hon. John, i, 578.
Posey, Thomas, ii, 451 *n.*

Princeton, battle of, i, 38, 379 *n.*, 381 *n.*
Proclamations: by Gov. E. Miro. ii, 122; by Gov. St. Clair, 107, 108, 211 *n.*, 321–325, 321 *n.*, 344 *n.*, 345 *n.*, 386 *n.*; by Maj.-Gen. Anthony Wayne, 343.
Proctor, Col. John, i, 545, 546, 547, 548, ii, 205 *n.*, 212, 216, 217.
Proposals, by Geo. Rogers Clark, for raising volunteers to reduce Spanish posts, ii, 322 *n.*
President of Cong., i, 365, 372.
President of the U. S., ii, 111, 114, 120 *n.*, 123, 124 *n.*, 125, 147, 164, 196, 198, 214, 240, 241, 243, 247, 279, 282, 283, 284, 285, 294 *n.*, 390, 431, 438, 441, 442, 482, 484, 488, 565, 578.
Public Notice of Citizens of the Miami Purchase, ii, 328 *n.*
Pulaski, Count, i, 98.
Putnam Rufus, i, 77, 93, 101, 139 *n.*, 140, 145 *n.*, 148–149, 183, 238, 398 *n.*, 413, ii, 36 *n.*, 51, 79 *n.*, 80 *n.*, 302, 333, 398, 413, 471.
Quebec, capture of, i, 3, 4.
Randolph, Beverly, i, 183.
Randolph, Edmund, ii, 312, 342 *n.*, 350.
Rawdon, Lord, i, 557.
Reed, Joseph, i, 12, 85, 102, 103, 325 *n.*, 460, 461, 462, 467, 479, 480 *n.*, 484, 488, 492, 522, 523, 532, 534, 537, 538, 544, 558.
Reidesel, Maj.-Gen., i, 60, 90, 423 *n.*, 561.
Relations between Washington and St. Clair, i, 158, ii, 631.
Remarks: Paul Fearing, ii, 576; St. Clair, 561, 592.
Report of Official Proceedings in Illinois Country, ii, 165 *n.*
Revolt of the Penn. Line, i, 107 *et seq.*
Rochambeau, Count de, i, 515 *n.*, 520 *n.*, 525 *n.*, 527 *n.*, 552.
Ross, James, i, 186, 187, 223, ii, 409, 422, 480, 529, 555.
Royal American Regiment, i, 3 *n.*
Rutherford, Gen. G., i, 565.
Sargent, Winthrop, i, 135, 140, 148, 164, 167, 207, ii, 36 *n.*, 78 *n.*, 179, 185, 208, 275 *n.*, 300, 310, 312 *n.*, 327 *n.*, 328, 329, 335, 336 *n.*, 339, 340, 404, 405, 413, 424, 620, 621, 622.
Schureman, Senator, ii, 580.
Schuyler, Gen. Philip, i, 12, 17 *n.*, 24, 25 *n.*, 45, 46, 48 *n.*, 50, 53, 56, 57, 59, 65, 66, 72 *n.*, 73, 76–82, 87, 93, 94 *n.*, 372 *n.*, 378, 385–387, 391, 396, 397 *n.*, 401, 403 *n.*, 405, 406, 410, 411, 413, 415, 418, 419, 423, 426, 427, 433, 439–441, 443, 449 *n.*, 453 *n.*, 478, 497, ii, 600 *n.*
Scott, Gen. Charles; i, 184, ii, 207, 212, 213, 217, 223, 226, 233, 235, 238, 251, 269, 271.
Sec. of State, ii, 326, 329, 396, 421, 443.
Sec. of War, ii, 40, 43, 46, 48, 50, 57, 63, 81, 85, 87, 95, 99, 108, 115, 132, 136, 146, 156, 183, 186 *n.*, 188, 190, 192, 203, 205 *n.*, 212, 262, 277, 301, *n.*, 321, 337, 445, 464.
Sedgwick, Capt., ii, 462, 463, 464.
Segur, Count de, ii, 127, 128 *n.*
Semple, Col., ii, 636.
Sevier, Gen., ii, 216.
Shelby, Isaac, ii, 214, 319, 320, 321, 386.
Sherman, Roger, i, 158 *n.*
Shippen, Jr., Joseph, i, 260 265, 267, 271, 273, 274, 283, 284, 345, 351 *n.*, 353, 358.
Sibley, Solomon, ii, 580 *n.*
Skinner, Gen., i, 500.
Slavery in N. W. Terr., i, 120.
Slough, Capt., i, 174, ii, 259, 266, 277, 278, 180, 281, 282, 633.
Smith, Devereux, i, 271 *n.*, 277 *n.*, 295 *n.*, 303 *n.*, 310 *n.*, 352.
Smith, James (sheriff), ii, 495.
Smith, Thomas, i, 360, 370, 373, 383, 465 *n.*, 480 *n.*
Smith, William, i, 283, 323, 359.
Society of the Cincinnati, i, 590, 591 *n.*, 592, 593.
Spear, Joseph, i, 284, 285, 334.
Spencer, Oliver, ii, 495.
Sproat, Ebenezer, i, 148, 149, ii, 224, 340, 344 *n.*, 495.
Stark, Gen. John, i, 84, 85, 444.
Statements: Sec. of War, ii, 146; John Strother, 302.
St. Clair, Arthur, birth and education, i, 2; enters the British army as ensign, 3; takes part in the capture of Louisburg and Quebec, *ib.*; his marriage, 5; he retires from the army, 6; settles in Western Penn., 7; appointed to various civil offices, 9; champions the cause of Penn. in the West, in boundary troubles with Va., 10, 260 *et seq.*; watches Penn. interests in "Lord Dunmore's War," 290 *et seq.*; takes sides, in 1775, with the patriots, 14; raises Second Penn. Reg., 15; marches to Canada as its Col., 16; takes part in attempt against Three

Rivers, 18 *et seq.*; marches to Crown Point, thence to Ticonderoga, 24; spends the summer (1776) at that post, 25; elected Brig. Gen., *ib.*; joins Washington in N. Jersey, *ib.*; takes part in battles of Trenton and Princeton, 30 *et seq.*; promoted (1777) to Maj.-Gen., 44; ordered to the command of Ticonderoga, [illegible]; attempts repairs upon that fortification, 56; evacuates the post, 64 *et seq.*; retires to Ft. Edward, 69; goes to headquarters, 92; demands a court-martial, 93; its refusal, *ib.*; his activity and bravery at Brandywine, 94, 98; is permitted "to attend to his private affairs," 94; acquitted by court-martial of all charges, 95; is congratulated, 96; arduous and valuable services rendered by him in 1780, 104, *et seq.*; is appointed one of the three commissioners to settle a cartel for exchange of prisoners, 105; failure of negotiations, *ib.*; commands a corps of light infantry, 107; takes part against revolt in Penn. line, 108; is put upon recruiting duty in Penn., 111; joins the army before Yorktown, 112; sent to Gen. Greene in S. Carolina, with six regiments, 113; returns to his family, 114; in 1783, furloughs veteran soldiers, *ib.*; quiets a meeting of the "new levies," 115; returns to private life, 116; is elected mem. Board of Censors of Penn., in 1783, *ib.*; chosen vendue-master of Philadelphia, 117; in 1786, elected to Cong., *ib*; in 1787, chosen president, *ib.*; labors for the creation of a Gov. for the N. W. Terr., 130; elected its Governor, 135; arrives at Marietta, 139; helps the judges to pass laws for the N. W. Terr., 145 *et seq.*; holds treaty with western Indians, and Six Nations, at Fort Harmar, 156; is in New York at Washington's first inauguration, 158; returns to the west, 159; names Cincinnati, 162; goes to the Illinois country, 164; sends Gen. Harmar against Maumee Indian towns, 168; appointed Maj.-Gen. U. S. army, 170; is to march against Miami Indian towns, 171; moves his army forward from Fort Washington, 173; constructs Forts Hamilton and Jefferson, *ib.*; enters the wilderness, *ib.*; is attacked by the savages, 174; defeated, 175; his bearing upon the battle-field, 176 *n.*; sends official dispatch to Sec. of War, 179; resigns his command in the army, 182; in 1792, visits Penn., 188; revises, with the judges, territorial laws, 188; makes frequent journeys in N. W. Terr., 192; appoints his son Att'y Gen.; issues a proclamation against invasion of Louisiana, 202; declares his opinion concerning slavery in N. W. Terr., 206; issues a proclamation for election for representatives for N. W. Terr., 208; is given the veto power, *ib.*; addresses the second Gen. Assembly, 217; is reappointed Governor, 222; is threatened by a mob, 224; becomes an ardent federalist, 234; answers charges made against him, 240; removed from the office of Governor, 244–246; returns to his home at Ligonier, 248; his financial troubles, 249–252; driven from his home to a "barren hearth," 252; his death, 254; a monument erected to his memory, *ib.*; his name to be held in grateful remembrance, 256; his correspondence, addresses, etc., while Gov. of the N. W. Terr., ii, 50 *et seq.*
St. Clair, Jr., Arthur, i, 2 *n.*
St. Clair, Lieut.-Col. James, i, 2 *n.*
St. Clair, Jane, i, 160.
St. Clair, Louisa, i, 157 *n.*, 160, 161, 179 *n.*, 180 *n.*
St. Clair, Margaret, i, 160.
St. Clair, Mrs. Authur, i, 160, 529 *n.*, 550, 552, 558, 560.
St. Clair, Sir John, i, 483.
St. Clair, Wm., i, 2 *n.*, 155, ii, 143. 316, 372, 441.
St. Clairs, the, i, 1, 2.
Stephen, Gen. Adam, i, 31, 44 *n.*, 295 *n.*, 384, 483.
Steuben, Baron, i, 158 *n.*, 527 *n.*, 550, 592.
Stirling, Gen. Wm. Alex., i, 31, 44 *n.*, 383, 500.
St. Louis, nickname of, ii, 32.
Stony Point, storming of, i, 103, 104.
Sullivan, Gen. John, i, 18, 19, 23, 28, 32. 93, 368 *n.*, 369 *n.*, 393 *n.*, 396 *n.*, 417, 537, 538 *n.*
Suggestion for a Plan of Gov. See Plan of Gov.
Symmes, John Cleves, i, 135, 151,

162, 163, 191, 194, 231, ii, 24, 36 *n.*, 131 *n.*, 187, 210, 211 *n.*, 212 *n*, 222 *n.*, 300, 310, 312 *n.*, 314, 333, 339, 347, 352, 353 *n.*, 363, 367, 372, 374, 396, 444 *n.*, 455, 466, 467, 468, 469, 471, 481, 507, 508, 509, 536, 546 *n.*, 580 *n.*, 621, 622.
Symmes, Polly, i, 151.
Tardiveau, Bartholomew, ii, 117, 118 *n.*, 119 *n.*
Testimony of Major Zeigler, extract from, ii, 290 *n.*
Thanksgiving Proclamation by St. Clair, ii, 107.
Thayandanegea. See Capt. Joseph Brant.
The Judges, ii, 189.
"The Republic," by John C. Hamilton, criticised, ii, 300 *n.*
Thomas, Gen. John, i, 16, 17, 366 *n.*
Thomson, Charles, ii, 37, 78 *n*, 97. 618.
Thompson, Gen. Wm., i, 17, 18, 19, 21, 367, 368 *n.*, 369 *n.*, 380 *n.*, 381 *n.*, 599.
Three Rivers, attempt against, i, 18–23, 369 *n.*, 380 *n.*
Ticonderoga, American army located at, i, 25; defensive work, in 1776, begun there, 45; number of its garrison in that year, 46; Col. Anthony Wayne in command of, 48; wretched condition of its garrison the next winter, 49; the post in danger, 50; want of supplies, 51; deplorable condition of the post, 53: Gen. St. Clair takes command, *ib.*; the weakness of the garrison, 55; repairs on the old fortifications go on, 56; description of the fortress, *ib.*; signs of danger apparent, 60; approach of the British under Burgoyne, 61; skirmishing near the fort, 62; the enemy gain a commanding position, 64; the evacuation of the post resolved upon, *ib.*; its accomplishment, 65 *et seq.*; the panic caused by its abandonment, 71.
Tiffin, Edward, i, 121 *n.*, 230, 231, 237, 239, 240, 447 *n*, 461, 485, 513, 525, 532, 533, 537, 574, 592 *n.*
Tilghman, James, i, 313.
Tillinghast, Ensign, ii, 272.
Trenton, battle of, i, 31, 32, 379 *n.*
Tod, Geo., ii, 581, 584.
Tupper, Gen. Benj., i, 149 *n.*
Turner. Judge Geo., i. 145 *n.*, 195. ii, 187, 212 *n.*, 218, 222 *n*, 311, 312 *n.*, 325, 330, 342 *n.*, 345, 348, 350, 351. 353 *n.*, 354 363, 367, 372, 373, 396, 397.
Vance, David, ii, 442 *n.*, 495.
Vancleve, Benj., i, 163 *n.*
Vanderburgh, Henry, ii, 342 *n.*, 353 *n*, 397, 398, 441, 442, 485, 504.
Van Schaick, Gozen, i, 390.
Van Wart, Isaac, helps capture André, i, 528 *n.*
Varnum, Judge James M., i, 135, 139 *n.*, 144, ii, 36 *n.*, 51, 53 *n.*, 61, 64, 67, 69, 72, 96, 111, 334.
Vandreuil, M. de, i, 5.
Vigo, Francis, ii, 495.
Wabash Indians, ii, 162, 181; expedition against, i, 171, ii, 227, 233.
Wallace, Geo., ii, 403.
Warner, Gen. Seth, i, 67, 68, 418, 422, 423 *n.*, 427, 432, 436, 437.
Washington, Gen Geo., crosses the Delaware, i, 29; wins the battles of Trenton and Princeton, 30–44; has exaggerated views of Ticonderoga, 47 *n.*; his prediction verified as to Burgoyne, 86; a conspiracy contemplated against him, 93; indignant at the treatment of St. Clair, 94; attacks the British at Monmouth, 101; pays a compliment to St. Clair, 107; appeals for help, 111; his passion upon hearing of St. Clair's defeat, 181; his memory insulted, 235 *n*; is written to by St. Clair, 429, 472, 475, 486, 489, 494, 498, 499, 502, 515, 518, 525. 531, 533, 542, 545, 549. 553, 559, 563, 565, 568, 572. 588; writes to St. Clair, 392, 469, 470, 472, 473, 474, 476, 478, 493, 497, 499. 501, 503, 520, 528, 530, 535, 537–541, 548, 551, 552, 561, 567, 577, 591 *n.*, 592, ii, 554 *n.*; writes to Marquis de La Fayette, i, 519 *n*, to President of Congress, 524 *n.*, to commanding officer at West Point, 527; is written to by Valentine Crawford, 356; by Gen. Horatio Gates, 395; Gen. Anthony Wayne, 463 *n.*; address by St. Clair on his death, ii, 486–488. See President of the U. S.
Washington, Mrs. Geo., i, 552.
Wayne, Gen. Anthony, i, 18, 23, 48, 75, 76, 101 *n.*, 107 *n.*, 108–110, 112, 116, 117 *n.*, 182–184, 365 *n.*, 384–391, 393, 447 *n.*, 462, 463, 477, 478 *n.*, 530, 532, 533, 534, 535. 536, 537, 538 *n*, 539 *n.*, 540, 542, 547, 548, 550, 551, 564, 565. 584 *n.*, 586, ii. 321, 322 *n.*, 327. 337, 338, 343 *n.*, 344 *n.*, 373, 375, 387, 394, 396, 409 *n.*, 410.
Wells, William, ii, 497.

Whittlesey, Elisha, calls on St. Clair, i, 253.
Wilkinson, Gen. James, i, 12, 13 *n.*, 39, 40, 50, 52, 62, 81, 171, 189, 194, 200, 201, 204, 205, 407. 442, 443, ii, 208 *n.*, 223, 227, 233, 251, 267 *n.*, 269, 310, 413, 427.
Williams, David, helps capture André, i, 528 *n.*
Williamson, Gen. Hugh, i, 42.
Wilson, Geo., i, 257, 266, 267, 274 *n.*, 275 *n.*, 311, 350.
Wilson, James, i, 12. 14 *n.*, 43, 55, 72, 74, 102, 159, 324, 325 *n.*, 370 *n.*, 378, 379, 382, 388, 392, 402, 417, 480 *n.*, 492, ii, 119.
Wolfe, Gen. James, i, 3.
Wood, Col. Joseph, i, 377.
Woodbridge, Dudley, ii, 543.
Woods, Geo., i. 259 *n.*
Wolcott, Oliver, i. 196, ii, 378, 383, 385, 403, 406, 472. 628.
Wooster, Gen., i, 367, 369.
Worthington, Thomas, i, 228, 230, 231, 236–238, 413, 448 *n.*, 483, ii., 511 *n.*. 523 *n.*, 528, 547, 550, 552, 553, 556, 557, 560 *n.*, 565. 567 *n.*, 568 *n.*, 572, 574, 580 *n.*, 590, 591, 599.
Wyllys, Major, ii, 98, 101, 134, 188.
"Wyoming Rebellion," i, 606 *n.*, 607 *n.*
"Yellow Creek Massacre," i, 9, 299.
Zane, Ebenezer, ii, 98.
Zeigler, Maj., ii, 290 *n.*
Zeisberger, David, ii, 433

THE END.